

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.1276 OF 2019

IN

WRIT PETITION NO.5746 OF 2018

Sabastian Francis Almeida .. Applicant

vs.

State of Maharashtra and Ors. .. Respondents

Mr.Niranjan A. Mogre for the Applicant

Ms.S.S.Bhende, A.G.P. for the Respondent no.1

Mr.Shantanu Raktate i/b Mr.Amar Parsekar for the Respondent
nos.2 and 3

**CORAM: K.K.TATED &
SARANG V. KOTWAL, J.J.
DATED: DECEMBER 04, 2019**

P.C.

. Heard.

2 By this Civil Application, Applicant is seeking permission to
withdraw sum of Rs.40,00,000/- deposited by them pursuant to

the order dated 06.03.2019 passed by this court in Civil Application No.298 of 2019.

3 The learned counsel for the Applicant submits that this court by order dated 06.03.2019 directed Registry to transfer the said amount of Rs.40,00,000/- with accrued interest to the Divisional Joint Registrar, C.S. (K.D). Navi Mumbai, who shall deal with the said deposit at the time of final adjudication of the Petitioner's Revision Application which is pending for hearing and final disposal on its own merits.

4 The learned counsel for the Applicant submits that they made enquiry with the Registry of this court. At that time, they learnt that the amount is not transferred to the Divisional Joint Registrar. Hence, Applicant filed present Application for withdrawal of the amount.

5 The learned A.G.P. for the State submits that Divisional Joint Registrar, C.S. (K.D). Navi Mumbai have account with State Bank of India, Konkan Bhavan Branch, Navi Mumbai bearing no. 30135893973 and IFSC Code No.SBIN - 0006240. She submits that this court can direct Registry to transfer the said amount in this account so that they can invest the said amount in fixed deposit till the hearing and final disposal of the Revision Application. In view of these facts, following order is passed:

a. Registry is directed to comply the order dated 06.03.2019 and transfer the sum of Rs.40,00,000/- with accrued interest if any, to the Divisional Joint Registrar, C.S. (K.D). Navi Mumbai, in

State Bank of India, Konkan Bhavan Branch, Navi Mumbai bearing no. 30135893973 and IFSC Code No.SBIN - 0006240 with immediate effect.

b. Divisional Joint Registrar is directed to invest the said amount in fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till the decision of Revision Application No.85 of 2018 which is pending for hearing and final disposal on its own merits.

c. At the time of deciding said Revision Application, Divisional Joint Registrar to pass appropriate order for disbursement of this amount along with accrued interest.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)