

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (O) No.1857 OF 2019

IN

C.A.O. No.1929 OF 2018 (D)

IN

SECOND APPEAL No.81 OF 2019 (D)

Maharashtra State Power Generation Company Ltd. & anr.

VS.

M/s. Shrikisan Insulation Work

Office Notes, Office Memorandum of Coram,
orders
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's

Shri. P. J. Pandey h/f. Shri. Joharapurkar, counsel for
applicants.

CORAM : Manish Pitale J

DATED : 03.10.2019

This is an application for direction filed on behalf of the respondent in Second appeal No.81/2019, which was dismissed by this Court by order dated 26.04.2019. In view of dismissal of the appeal, this Court permitted respondent (original plaintiff) to withdraw the amount deposited by the appellants (original defendants) in this Court.

2. In this application, the applicant has expressed difficulties in withdrawing the amount in the name of respondent proprietary firm by giving following reasons :-

(i) That, now the proprietor is almost about 84 years of age and in the meantime he had now closed his business due to his old age and do not hold running current account in the name of firm with the bankers which is in operation.

(ii) That, when the respondent was asked by the counsel to bring the necessary certification from his bankers about his current account in the name of firm, the bank informed that, as there was no transactions in the said current account of the firm had become dormant and cannot be now operated and certificate as required can not be granted.

(iii) That, to open the new account in the bank of firm, in view of change policies there would be a requirement of submission of certificate of shop and establishment of firm having its works place and thus for want of said certificate respondent is unable to get new current account opened in the bank in the name of firm.

3. In view of the aforesaid difficulties, by this application it is prayed that direction be given to the Nazar to pay the amount as per aforesaid order passed by this Court in the personal name of the proprietor i.e. **Shrikishan Ramlal Mallah**.

4. Considering the aforesaid contents of the application, the same is allowed in terms of prayer

clause (1) and the Registry is directed to take proper action in the matter.

5. Application is disposed of.

JUDGE

KOLHE