

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

CIVIL APPLICATION (CAW) NO.588 OF 2020

AND

CIVIL APPLICATION (CAW) NO.589 OF 2020

IN

WRIT PETITION NO.7112 OF 2018

Sunil S/o Kesarichand Jain.

Vs.

Laxminarayan S/o Domaji Harode.

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

Court's or Judge's orders

Mr. M. R. Joharapurkar, Advocate for petitioner.
Mrs. Paras A. Mohane for respondent in person.

CORAM : AVINASH G. GHAROTE, J.

DATE : MARCH 02, 2020.

By this application, the respondent in person, through her power of attorney has sought leave to file fresh reply to the writ petition. Considering the reasons given therein, and the no objection by the learned counsel for the petitioner. The application is allowed.

The respondent to file fresh reply to the petition within a period of one month from today. Application is accordingly disposed of.

CIVIL APPLICATION (CAW) NO.589 OF 2020

Mr. Joharapurkar, learned counsel for the petitioner states that he intends to file a reply to this application within a period of one week from today, detailing in a tabular form the amount paid for which month, as per

the order of this Court dated 16.07.2019 as well as for the earlier periods. By the order dated 16.07.2019, the petitioner was directed to pay the standard rent at the rate of Rs.5000/- per month in terms of the impugned order, subject to which the execution of the impugned order was Stayed.

A grievance is raised that the petitioner plays mischief by depositing amount in the account of the respondent, though not authorised to do so. The petitioner henceforth shall not deposit any amount in the bank account of the respondent directly, he shall deposit all such amount in the Court by making an appropriate application with an advance copy to the respondent or his counsel / attorney.

The application at Exh.19 filed in RD No. 1/2018 before the 2nd Joint Civil Judge Junior Division, Gondia, Annexed as document No.3 to the Civil Application No.589 of 2020, indicates, that the petitioner judgment – debtor has paid / deposited an amount of Rs.1,44,660/-, out of which an amount of Rs.74,940/- is claimed to have been deposited in the bank account of the petitioner, and the balance of Rs.72,920/- in the C.C.D. of the Court and the further amount of Rs.3,20,340/-, by a Demand Draft No.007422 dated 13.08.2019 as per the endorsement made in the side margin of the application, which has been directed to be accepted by the Nazir of the Court by an order dated 16.08.2019. The learned counsel for the petitioner herein has no objection, if the respondent is permitted to withdraw this amount. The respondent herein namely Mr. Laxminarayan S/o Domaji

Harode, is hereby permitted to withdraw the amount of Rs.72,920/- and the sum of Rs.3,20,340/-, from the C.C.D. of the Court.

The reply as indicated above, to this application be filed within a week. On the reply being filed the respondent shall be at liberty to file a counter-affidavit in case the respondent disputes the correctness of the averments made in the reply. List the matter after one week.

Authenticated copy of the order be supplied to the respondent.

JUDGE

Sarkate