

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

CIVILAPPLICATION 3293 OF 2019

IN

WRIT PETITION NO. 5401 OF 2019

(Keshav s/o. Laxmanrao Kurudkar..vs..Shripat Zibal Kurudkar & ors)

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

Court's or Judge's orders.

Shri S.R.Deshpande, Advocate for applicant/petitioner.
Shri S.B. Ninawe and Shri S.P. Kshirsagar, Advocate for respondents.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 7th JANUARY, 2020.

1. By this application, the petitioner seeks liberty to withdraw Rs. 5,50,000/- that have been deposited in the Court, in excess of the decretal amount. It is clarified that this Court directed the petitioner to deposit Rs. 22 lacs with the Registry of this Court. The said amount constitutes the decretal amount. The petitioner is an auction purchaser.

2. It is pointed out that Rs. 5,50,000/- have been deposited by the petitioner before the learned trial Court in the auction proceedings. That amount is in excess of the amount which the petitioner is liable to deposit. Having deposited Rs. 22 lacs in this Court, permission is sought to withdraw the amount of Rs. 5,50,000/- deposited before the trial Court.

3. The learned Advocates appearing on behalf of the respondents oppose the request. They submit that no harm or loss would be caused to the petitioner, if the said amount is kept

pending before the trial Court. They however submit that the amount of Rs. 22 lacs has to be deposited in this Court and the petitioner has abided by the order of this Court.

4. Considering the above, the Civil Application is allowed. The petitioner is permitted to withdraw the amount of Rs. 5,50,000/- from the trial Court along with accrued interest, subject to proper identification by the learned Advocate. The petitioner shall place before the lower Court a copy of the PAN card or Election Commission Voter ID card while withdrawing the amount.

5. List the petition on 21.1.2020, for hearing. Parties may note that if possible, this petition would be heard finally at admission stage.

(Ravindra V. Ghuge, J.)