

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.6684 OF 2020
IN FIRST APPEAL NO.1162 OF 2020
(Ganesh Namdeo Walse
Vs.
State of Maharashtra and anr.)**

Mr.V.B.Patil, Advocate h/f. Mr.M.S.Patil, Advocate for applicant
Mr.K.S.Patil, AGP for respondent no.1
Mr.S.G.Karlekar, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 10, 2021**

ORDER :-

Heard.

2. This is an application filed by the claimant for withdrawal of amount deposited in this Court.

3. Civil Application No.2265 of 2021 has been moved by Radha and Mayuri, daughter and wife, respectively, of Ganesh (applicant in present application), seeking intervention and stalling of withdrawal of amount. In support of said application, a copy of plaint in R.C.S. No.410 of 2020 has been placed on record. It was a suit filed by said Mayuri in the capacity as guardian of her minor daughter Radha. The suit was for partition and separate possession. The record

further indicates that the suit has been withdrawn on 08.03.2021. It is not known as to how, learned Judge permitted to withdraw the suit when it was filed on behalf of minor daughter of the claimant herein. Mr.B.R.Kedar, learned counsel, who has filed said intervention application, informed that his client could not be contacted and is out of reach.

4. In view of the above, with a view to protect the interest of minor Radha, for the present, the applicant is permitted to withdraw 50% of the amount deposited, on condition of furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court. Unless and until the applicant – Ganesh clears above doubt, rest of the amount of 25% shall not be paid to him.

5. Civil Application No.6684 of 2020 stands disposed of accordingly.

[R.G. AVACHAT, J.]

KBP