

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3300 OF 2020
IN
CIVIL REVISION APPLICATION NO.470 OF 2011

J. J. Golani	]	... Applicant / (Orig. Respondent)
In the matter between :		
State Bank of India	]	... Applicant
Versus		
Saraswati G. Golani	]	... Respondent

Smt. Gauri Raghuwanshi for Applicant.
Mr. R. S. Apte, Senior Advocate i/b Snehal Ratnakar for Respondent.

CORAM :- A. S. GADKARI, J.
DATE :- 28 SEPTEMBER, 2021

P. C. :-

1. This is an Application seeking, permission to withdraw the amount of compensation / rent in pursuance of Orders dated 20th January, 2012 and 12th July, 2013 passed in the Revision Application filed by the Respondent / original Applicant - Bank.
2. In furtherance of said Orders, the Respondent - Bank is regularly depositing an amount of Rs.7,50,000/- per month in the Registry of this Court. According to the Applicant as of today, after deducting 10% TDS on the accrued amount, an amount of Rs.1,73,09,239.92 is lying in the Registry of this Court in the aforesaid

Revision Application. A detailed chart of deposit of the amount by the Respondent is annexed at page no.7E by the Applicant stating that, an amount of Rs.1,73,09,239.92 is lying in the Registry of this Court.

3. Learned Advocate for the Applicant submitted that the Applicant is aged about 75 years as of today and is in dire need of money for his day-to-day needs including medical expenses. She submitted that in view of the said fact, the Applicant may be permitted to withdraw the said amount upon furnishing an undertaking in that behalf before this Court.

4. Taking into consideration the fact that, the Applicant has not received any amount towards compensation / rent since September 2010 and the fact that the Applicant is aged about 75 years and is suffering from age related ailments, I am of the considered view that, the Applicant can be permitted to withdraw 50% of the amount so deposited by the Respondent / original Revision Applicant.

5. In view thereof, the Applicant is permitted to withdraw 50% of Rs.1,73,09,000.00 upon furnishing usual undertaking.

6. Application is allowed in the aforesaid terms.

Place the Revision Application on final hearing board as per its own turn under the category of 'Senior Citizens'.

(A. S. GADKARI, J.)