

Vidya Amin

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1051 OF 2019
IN
WRIT PETITION NO. 9299 OF 2004**

Sharada Kuber Savant	... Applicant
in the matter between	
Krishna Sahakari Bank Ltd.	... Petitioner
V/s.	
Sharada Kuber Savant & Ors.	... Respondents

Mr. Satish S. Raut for the applicant.
Mr. Kiran S. Bapat for the original petitioner.

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**CORAM : G.S.KULKARNI, J.
DATE : 13 October, 2021**

P.C.:

1. Heard learned counsel for the applicant/original respondent and Mr. Bapat, learned counsel for the original petitioner.
2. The prayer in this Application is that the applicant be permitted to withdraw an amount of Rs.50,000/- deposited by the original petitioner-Krishna Sahakari Bank Ltd. in this Court in pursuance of the order dated 7 July, 2005. The amount has been invested and certainly by passage of almost about 16 years, it must have accrued interest. However, the prayer is limited for withdrawal of the amount of Rs.50,000/- and not the interest.
3. Learned counsel for the applicant states that the applicant is

in a poor financial condition. She is 70 years of age. She has succeeded before both the forums below. Her husband also passed away almost 3 years back. She has health issues and hence she is in need of money.

4. Mr. Bapat has opposed this application vehemently.

5. Having perused the averments made in the application and also considering the nature of the impugned orders, in my opinion, it is in the interest of justice that the prayer as made in the application is granted. Interim Application is allowed in terms of prayer clause (a). Office to do the needful within a period of one week from today. However, such withdrawal shall be subject to further orders to be passed in the petition.

6. As a short issue is involved in the Writ Petition, let the petition be placed for Final Hearing in the week commencing from 22 November, 2021.

7. Parties to act on an authenticated copy of this order.

(G.S.KULKARNI, J.)