

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

CIVIL APPLICATION (CAW) NO. 139 of 2021 IN
WRIT PETITION NO. 1066 OF 2020 (D)

Bhagwandas Timappa Puthran, through LRs Sandeep s/o Bhagwandas Putharan & Anr
Vs.

Jayant s/o Ganpatrao Buty, through LRs Bhagyashree Wd/o Jayant Buty and others

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

Court's or Judge's orders.

Shri P.N. Kothari, Advocate for applicants/respondents.
Shri S.V. Bhutada, Advocate for non-applicants/petitioners.

CORAM : V.M. DESHPANDE, J.
DATE : 29th JANUARY, 2021.

This application is moved by the respondents seeking permission to withdraw the amount deposited by the petitioners towards occupation charges. In the prayer it has been stated that the petitioners have deposited Rs.2,40,000/-.

(2) Shri Bhutada, learned counsel for non-applicants/petitioners has no objection for withdrawal of the said amount, however he only submits that if it is found that amount is in excess, then it be adjusted in the mesne profit proceedings, if it is filed by the respondents.

(3) Shri Kothari, learned counsel for the applicants/respondents who has moved this application has no objection.

(4) The respondents are permitted to withdraw the amount of Rs.2,40,000/- deposited before this Court and if it is found that the amount is more than the agreed contractual amount of occupation charges then that amount will be adjusted, if the mesne profit proceedings are filed by the respondents.

(5) The civil application is allowed and disposed of accordingly.

JUDGE

Wagh