

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

CIVIL APPLICATION NO. 362 OF 2021

(State of Mah. & ors. Vs. Smt. Pushpa wd/o Purushottam Harne and ors.)

IN

FIRST APPEAL NO. 304 OF 1993 (D)

(Smt. Pushpa wd/o Purushottam Harne and ors. Vs. State of Mah. & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.R. Chutke, A.G.P for the appellants/State
Shri C.A. Joshi, Advocate for the respondents.

CORAM:- PUSHPA V. GANEDIWALA, J.

DATED :- AUGUST 06, 2021

Heard.

2. This is an application for withdrawal of decretal amount of Rs. 4,00,000/- (Rs. Four lacs only) along with interest accrued thereon.

3. It is stated that the Court of Civil Judge, Senior Division, Akola passed a decree in favour of the applicants for recovery of money of Rs. 4,00,000/- with interest at the rate of 6% per annum from the date of suit till realization.

4. It is stated that the appeal against the said decree was preferred initially before this Court and the same thereafter got transferred to the District Court, Akola due to change in pecuniary jurisdiction.

5. It is further stated that now the said appeal which was registered as Regular Civil Appeal No. 28/2012 on the file of District Judge-3, Akola has been decided vide judgment and decree dated 02/02/2021 and the appeal was dismissed with costs and the learned first appellate Court has also refused to grant stay to the operation of judgment and decree.

6. It appears that the present applicants, the decree holder are fighting for justice since last 30 years.

7. Learned Assistant Government Pleader seeks time to take instructions. Since the matter is old one, applicants are permitted to withdraw the decretal amount along with interest accrued thereon.

8. The Registry is directed to release the aforesaid amount in the individual account of the applicants/respondent nos.2 to 5 in equal proportionate within a period of two weeks from the date of the details of the accounts are furnished.

9. The application stands disposed of.

JUDGE

**DB*