

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

Civil Application (Z) No.3/2020 in L.PA.No.510/2009(D)
in Writ Petition No.2122/2002 (D)

Arunkumar s/o Dwarkalal Jaiswal

Vs.

The State of Maharashtra, through its Secretary, State Excise Department, and
others.

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

Court's or Judge's Order

Shri D.R.Khapre, Advocate for applicant.

CORAM :- A.S.CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.
DATED :- APRIL 30, 2021.

This is an application seeking permission to withdraw the amounts deposited by the appellant in this Court pursuant to the order dated 16.12.2009 that was passed in the Letters Patent Appeal. By that order the appellant was directed to pay to the present applicant an amount of Rs.15,000/- per month by demand draft and also deposit an amount of Rs.10,000/- per month until disposal of the appeal. In the application it is submitted that the Letters Patent Appeal was dismissed for want of prosecution on 14.06.2019. On 11.01.2021 notice of this application was issued to the original appellant who has been duly served.

We have heard Shri D.R.Khapre, learned counsel for the applicant. There is no appearance on behalf of the original appellant. As per order dated 16.12.2009 the amounts as stated above were directed to be deposited unconditionally. The same was to be done until disposal of the appeal. With the dismissal of the appeal, we do not find any reason not to permit the applicant to withdraw the amounts so deposited till 14.06.2019. Hence considering the contents of the application, the same is allowed in terms of prayer

clause (i) thereof.

Needless to state that if the original appellant seeks restoration of the Letters Patent Appeal he would be free to take such further steps as are permissible in law to secure his own interest.

JUDGE

JUDGE

Andurkar..