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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2682 OF 2022
IN
WRIT PETITION NO.8208 OF 2014

Laxmibai Shrinavas Reddy and Others APPLICANTS
VERSUS
Rameshreddy Muttyamereddy Muttalwad & Ors. RESPONDENTS

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Mr. Vikram R. Dhorde, Advocate for the applicants
Mr. S. N. Kendre, AGP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th APRIL, 2022

ORDER :

1. The applicants – original respondents No.4 to 6 in the writ petition are seeking permission to withdraw the amount deposited by respondent No.1 in this Court, along with the accrued interest. Though served, none appears for respondent No.1.
2. By relying on order dated 13th December, 2021, passed in Civil Application No. 2343 of 2013 in Writ Petition No. 5696 of 2010, the applicants seek permission to withdraw the amount. The said civil application was filed by the applicants in the present civil application. This Court allowed the said civil application and permitted the applicants to withdraw the amount

deposited by respondent No.4 therein / original petitioner (respondent No.1 herein), on furnishing solvent surety to the satisfaction of the Registrar. Withdrawal of the amount was made subject to the decision of the Apex Court in Special Leave Petition, filed by respondent No.4. Admittedly, writ petition No. 5696 of 2010 was between the same parties and the subject matter of that petition was also identical to the present petition.

4. Learned advocate for the applicants has placed on record order dated 11th March, 2022 passed by the Hon'ble Supreme Court, wherein it is recorded that Special Leave to Appeal Nos. 3476-3477 of 2022 are disposed of as withdrawn. Thus, the respondent No.1 has withdrawn the proceedings filed before the Hon'ble Supreme Court.

5. In the light of the above, this civil application deserves to be allowed. In view of withdrawal of the proceedings by respondent No.2, before the Supreme Court, there is no need to direct the applicants to furnish surety.

6. Civil application is, therefore, allowed in terms of prayer clause "B".

[NITIN B. SURYAWANSHI]
JUDGE