

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4042 OF 2022
IN CP/486/2019 WITH CP/486/2019 IN WP/667/2018

LILABAI TRIMBAK BHALE
VERSUS
SMT. VANDANA KRUSHANA THE STATE OF MAHARASHTRA AND
OTHERS

Mrs.M.R.Jamdhade, Advocate for the petitioner.
Mr.S.B.Yawalkar, AGP for State.
Mr.S.B.Pulkundwar, Advocate for respondent Nos. 2 and 3.

(CORAM : RAVINDRA V. GHUGE AND
ANIL L. PANSARE, JJ.)

DATE : JUNE 24, 2022

PER COURT :

1. We have extensively considered the submissions of the learned Advocates for the respective sides. The respondents concede that though a review petition has been filed by the Zilla Parishad, there has not been a single hearing.

2. By an order dated 06.03.2020, passed by this Court in CA No.1806/2020, it was observed in paragraph No.5 as under :-

"5. As such, we are of the opinion that the interest of justice can be

served by permitting the applicant to withdraw an amount of Rs.50,000/- (Rupees Fifty Thousand) out of the amount of Rs.2,00,000/- i.e. Rs. 1,00,000/- deposited by each of respondent Nos. 2 and 3. At the request of Mr.Pulkundwar, application is disposed of accordingly with liberty to the applicant that if there is no further progress in the review petition for consideration period, the applicant is at liberty to file fresh application seeking further withdrawal."

3. As such, since the review petition has not been moved and there has been no hearing on the same, we deem it appropriate to rely on the directions of this Court set out in paragraph No.5 reproduced above and allow this application in terms of prayer clause "B", which reads as under :-

"B. By the appropriate order, may kindly be allowed to withdrawal of amount deposited by the respondent Nos. 1 and 2 before this Hon'ble Court on dated 27.12.2019, and deposited amount may kindly be allowed to withdraw, to secure the ends of justice."

4. List the contempt petition after 4 (four) weeks.

5. As such, the applicant would withdraw an amount of Rs.1,50,000/-, which is the residual amount in light of paragraph No.5 of the order dated 06.03.2020. Needless to state, the

petitioner/applicant shall file an affidavit undertaking alongwith her application for withdrawal, stating therein that if she is subsequently held dis-entitled to the entire amount withdrawn or to any portion thereof, she would return that excess that amount by depositing the same in this Court within 8 (eight) weeks from such adverse order.

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)