

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO.9077 OF 2022

HOTEL SAGAR AURANGABAD ROAD JALNA THROUGH ITS
PROPRIETOR SATISH DARSHANLAL JAISWAL
VERSUS
GIRISH RAJKUMAR THARANI THROUGH GPA NARAYANDAS
KANWARMAL THARANI

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Advocate for Petitioner : Mr G R Syed

CORAM : SANDEEP V. MARNE, J.

DATE : 28th NOVEMBER, 2022

PER COURT :

1. By this petition, petitioner assails order dated 17.08.2022 passed by the Civil Judge, Junior Division, Jalna on application below Exh. 1 filed in Regular Darkhast No. 154/2013.

2. Considering the nature of order that I propose to pass, it will not be necessary to issue notice to the respondent. The only limited controversy that petitioner has raised in the petition is about deposit of amount by him in pursuance of the order of this Court dated 21.09.2018. It is contention of petitioner that in pursuance of order dated 21.09.2018, he has deposited an amount of Rs. 50,000/- plus Rs. 88,104/- As against this, the executing court appears to have taken into consideration only the amount of Rs. 88,104/- deposited in this court. It has ignored deposit of amount of Rs. 50,000/- and withdrawal of the same by the decree holder. In that view of the matter, the order dated 18.07.2022 passed by the learned Civil Judge, Junior Division, Jalna is set aside and the application at Exh. 1 filed in the Regular Darkhast No. 154/2013 shall stand restored.

3. The executing court is directed to take into consideration all the deposited amounts by petitioner for the purpose of deciding the said application afresh.

4. With the above directions, the writ petition is disposed of.

[SANDEEP V. MARNE, J.]

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