

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

CIVIL APPLICATION [CAF] NO.1381 OF 2022

IN

FIRST APPEAL NO.77 OF 2010 [DECIDED]

[Sayyad Irfan s/o Sayyad Abdul .vs. Sachin Gajananrao Pawde and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.A. Sahu, Adv. h/f Shri M.I. Dhattrak, Adv. for applicant-appellant.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 06/07/2022.

Present application is filed by the applicant-appellant for grant of permission to withdraw or to transfer the amount of Rs.1,00,000/- with accrued interest thereon deposited by the appellant on 11.10.2010 as per order dated 28.09.2010 passed by this Court in Civil Application No.250/2010.

2. Appellant has filed First Appeal No.77/2010 challenging the judgment and decree dated 09.11.2009 passed by the Civil Judge, Senior Division, Warora in Special Civil Suit No.203/2008. As per order of this Court, the amount of Rs.1,00,000/- was deposited before this Court, vide receipt no.3642 on 11.10.2010. Due to enhancement in the pecuniary jurisdiction, First Appeal No.77/2010 was transferred from this Court to the Court of District Judge-1, Warora. Before the

District Judge, Warora, parties arrived at amicable settlement and appeal came to be disposed of in terms of compromise arrived at between the parties. However, the execution cannot be effected in terms of compromise, as the amount of Rs.1,00,000/- is lying with this Court.

3. Therefore, in the interest of justice, application is allowed. Registry is directed to transfer the amount of Rs.1,00,000/- along with accrued interest deposited on 11.10.2010 as per order dated 28.09.2010 in Civil Application No.250/2010 to the Registry of District Court, Warora.

4. Application is allowed and disposed of.

[Smt. M.S. Jawalkar, J.]

Gulande