

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6946 OF 2022
IN CONTEMPT PETITION NO. 265 OF 2010
WITH CP/265/2010 IN CP/244/2009
WITH CA/9006/2015 IN CP/265/2010

RUQAYYA MOHD YUSUF ANSARI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Mr. M.S. Choudhari – Advocate for Applicant
Mr. S.S. Dande – AGP for Respondent Nos.1 and 2
Mr. Kshitij Surve h/f. Mr. Hemant Surve – Advocate for
Respondent No.3
Mr. R.T. Nagargoje – Advocate for Respondent No.4

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 20th March, 2023

PER COURT :

1. Heard rival submissions.
2. The learned counsel for the applicant seeks withdrawal of Contempt Petition No. 265 of 2010 under this application.
3. The learned counsel for respondent no.3 strongly opposed this application and on such withdrawal since the petitioner is claiming withdrawal of amount of Rs.15,000/- alongwith the accrued interest thereon, which was deposited

by respondent no.3, being his share to the extent of dues to be paid to the petitioner. The learned counsel for the respondent no.3 submits that amount was only deposited to show his bonafides as per order dated 7th September, 2015.

4. Thus, it appears that there is dispute between the parties as regards the said amount of Rs.15,000/- as to whether it forms part of dues of the petitioner to the extent of share of respondent no.3. In the order dated 7th September, 2015 this Court has clear cut mentioned the statement made on behalf of respondent no.3 wherein the respondent no.3 wanted to deposit his share in the dues to be paid to petitioner. Moreover, the subsequent order dated 14th October, 2015 also indicates that, the said amount could not be withdrawn by the petitioner in Civil Application No. 13006 of 2015 merely because she would not furnished oral undertaking / surety and was not financial capacity to repay the same. It appears that, due to this reasons only the amount was invested in F.D.R. under the order of this Court. However, in view of the statement made on behalf of respondent no.3, there cannot be any doubt that the said

amount of Rs.15,000/- forms the part of dues to the extent of share of respondent no.3.

5. Even in the application itself the applicant has mentioned that, excluding the said amount of Rs.15,000/- he received the remaining amount of his share.

6. In view of the same, the application stands allowed in terms of prayer clauses 'B' and 'C' and the amount of Rs.15,000/- as deposited by respondent no.3 be paid to applicant – petitioner alongwith the accrued interest thereon till date.

7. Contempt Petition No. 265 of 2010, thus, stands disposed of alongwith pending Civil Application No. 9006 of 2015.

8. The Civil Application accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

Pooja K.