

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.7141 OF 2023
IN
WRIT PETITION NO.1333 OF 2017**

Parashram Mangilal Verma, Died Per Lrs.
Smt. Hirabai Parashram Verma (Died) & Ors. ..Applicants
[Orig. Respondent
Nos.3(a) to 3(d)]

Versus

Housing Development Finance Corporation
Ltd., & Ors. ..Respondents.

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Mr. Pramod Gaikwad h/f Mr. A. G. Talhar, Advocate for the
Applicants.

Mr. S. B. Yawalkar, AGP for Respondents-State.

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**CORAM : RAVINDRA V. GHUGE AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 03rd AUGUST, 2023.

ORDER:-

1. By this application, the applicants [orig. respondent nos.3(a) to 3(g)] in Writ Petition No.1333/2017 pray as under:

“B. The order dated 25.04.2023 passed by this Hon’ble Court in Writ Petition No.1333/2017 may kindly be modified, thereby allowing the applicant No.1(d) [Orig. Respondent No.3(d) Shri. Sunil Parshram Verma] to withdraw the amount of Rs.25,00,000/- (Rs. Twenty Five Lacs) [Rs.16,00,000/- + Rs.9,00,000/-] from this Hon’ble Court and further be directed to the office to transfer the said amount in the account of the applicant No.1(d) [Orig. Respondent No.3(d)].”

2. This Court disposed off Writ Petition No.1333/2017 by order dated 25.04.2023. The paragraph nos.14 to 16 of the said

order record as under:

“14. Since the statement is made on behalf of the learned counsel for the petitioners about deposit of amount of Rs. Twenty Five Lakh on instructions from the officers who are present in the Court and as the learned counsel for respondent Nos.3(a) to 3(g) has also made a statement in regard to handing over possession by 31st May, 2023 subject to receipt of entire amount of Rs. Twenty Five Lakh from the petitioners, both these statements are accepted as an undertaking to this Court. The written undertaking furnished by Respondent No.3 is also accepted.

15. Learned counsel for the respondent No. 3(a) to 3(g) and the respondent No. 1 shall share the expenses towards the charges to be incurred for registration, stamp duty, lawyers charges, if, any for executing conveyance in favour of the respondent No.1 by the respondent No. 3 to which the petitioners have already consented for.

16. In view of above, we hereby permit the respondent Nos.3(a) to 3(g) to withdraw the amount of Rs.Nine Lakh after the execution of conveyance and handing over possession of the suit flat to respondent no.1.”

3. In pursuance of the aforesaid observations/directions, the applicants/original respondent nos.3(a) to 3(g) were permitted to withdraw the amount deposited by Writ Petitioner-Housing Development Finance Corporation Limited after execution of conveyance and handing over possession of suit flat to original respondent no.1.

4. The present application is moved on behalf of original respondent nos.3(a) to 3(g) seeking modification in the order dated 25.04.2023 passed in Writ Petition No.1333/2017 to allow applicant no.1(d) [original respondent no.3(d) i.e. Shri. Sunil Parashram Verma] to withdraw the amount of Rs.25,00,000/- from this Hon'ble Court with further direction to the Registrar of

this Court to transfer the said amount in the account of applicant no.1(d).

5. The applicants have tendered affidavit of original respondent nos.3(b), (c), (e), (f) and (g) that they have no objection to release the amount in the name of applicant no.1(d) [original respondent no.3(d)] in terms of the order dated 25.04.2023 passed in Writ Petition No.1333/2017. During the course of hearing of this application, the applicants have tendered registered special Power of Attorney executed in the name of applicant no.1(d) by other applicants authorizing him to receive on behalf of the applicants, the amount of Rs.25,00,000/- deposited with this Court in terms of the order dated 25.04.2023 in Writ Petition No.1333/2017.

6. In view of the registered instrument dated 25.06.2023 i.e. special Power of Attorney, there is no impediment to allow the application in terms of prayer Clause (B) on the condition that applicant no.1(d) shall file an undertaking to this Court, addressed to Registrar (Judicial) that in case of any dispute in future regarding amount disbursed, he shall be liable to indemnity/refund the amount.

7. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE