

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 17067 OF 2022
IN
WRIT PETITION NO.5601 OF 2017

Aljeelani Ali Amar

APPLICANT

VERSUS

Sharifa Salamabee Abdullah

RESPONDENT

.....
Mr. Swapnil Patunkar, Advocate for the applicant
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th MARCH, 2023

ORDER :

1. This application is filed for withdrawal of amount of Rs.10,000/- deposited by the applicant – petitioner in writ petition No. 5601 of 2017 in terms of order dated 9th June, 2017.
2. The writ petition was filed with a prayer to set aside order dated 25th February, 2017, by which permission to lead secondary evidence in respect of partition deed dated 25th March, 2009, was rejected.
3. This Court, at the time of admission, directed the petitioner to deposit Rs.10,000/- while granting ad interim relief. The writ petition was, thereafter disposed of by order dated 28th January,

2018. This Court in paragraph No. 5 of the said order has mentioned "No costs".

4. Learned advocate for the applicant submits that inadvertently, it was remained to be pointed to this Court that the applicant has deposited of Rs.10,000/- to show his *bona fides*, which he may be permitted to withdraw.

5. In view of the fact that the writ petition is disposed of at the admission stage and this Court has not imposed cost on the petitioner, the civil application is allowed in terms of prayer clause "B".

[NITIN B. SURYAWANSHI]
JUDGE