

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1151 OF 2023

IN

WRIT PETITION NO.10570 OF 2022

Mrs Mohammadi Y. Shaikh

..Applicant
(Orig.Respondent No.6)

IN THE MATTER BETWEEN

Mr.Ashwinkumar Mishra & Anr

..Petitioners
(Orig.Defendant Nos.4 & 5)

ANJALI
TUSHAR
ASWALE

Digitally signed by
ANJALI TUSHAR
ASWALE
Date: 2023.09.21
19:29:40 +0530

Versus

Punjab & Sind Bank Ltd & Ors

..Respondents

***Mr.Rahul O. Pandey i/b M/s Paney & Co, Advocates
for the Applicant.***

***Mr.Y. R. Mishra, Advocates for the Respondent /
Orig.Petitioner.***

**CORAM : B. P. COLABAWALLA, J &
M. M. SATHAYE, JJ.**

DATE : SEPTEMBER 21, 2023

P.C.

The above Interim Application is filed to allow the Applicant (Original Respondent No.6 in the above Writ Petition) to withdraw the amount deposited in this Court by pay order of Rs. 71 Lakhs issued by ICICI Bank Ltd, Yari Branch dated 14th September, 2022. Totally the amount of Rs.75 Lakhs was deposited with the Registrar of this Court through two different Demand Drafts. One was for Rs.71 Lakhs and the another one

was Rs. 4 Lakhs. When the above Writ Petition was disposed of on 19th October, 2022, this Court directed that the amount of Rs. 75 Lakhs deposited with the Registrar, Appellate Side of this Court, the Registrar, Appellate Side, High Court shall transfer this amount of Rs. 75 Lakhs together with accumulated interest thereon to the Registrar, DRT-I/DRT-II to the credit of Appeal No.14 of 2022 or any other new number assigned to it as per the application to be filed by the Petitioner to the Registrar, Appellate Side, High Court.

2 In light of the order dated 19th October, 2022, there is no question of allowing the Applicant herein to withdraw the aforesaid amount today. We are informed that this amount of Rs. 75 Lakhs has not yet been transferred to the Registrar, DRT-I/DRT-II to the credit of Appeal No.14 of 2022, and which is still pending. In these circumstances, the amount of Rs. 75 Lakhs together with accumulated interest thereon shall be transferred by the Registry of this Court to the Registrar, DRT-I/DRT-II to the credit of Appeal No.14/2022 filed by the Petitioner herein. The application for withdrawal by the Applicant of the amount of Rs.71 Lakhs can be made to the concerned DRT, if they are so

entitled to in law. We have not opined on the merits of this application, one way or the other.

3 The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

4 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[M. M. SATHAYE, J.]

[B. P. COLABAWALLA, J].