

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14180 OF 2023
IN
WRIT PETITION NO.9996 OF 2023

Abhijit Vishwas Phanse ...Applicant
V/s.
Shobha Vishwas Phanse And Ors ...Respondents

M.r Parag S. Mishra for the Applicant.
Mr. Akshay Pawar for the Respondent Nos. 1 to 4.

CORAM : RAJESH S. PATIL, J.

DATED : 15th SEPTEMBER, 2023

P.C.:

1. After the matter was heard for some time, counsel for the parties agree that the impugned judgment and order dated 29 April, 2023 passed by the Appellate Bench of Court of Small Causes, Bombay on Exhibit 30 in Appeal No.68 of 2020, be quashed and set aside. Hence the impugned Judgment and Order dated 29 April 2023, is hereby quashed and set aside.
2. Both the parties agree that they will not withdraw any amount deposited by the original-Defendant in the proceedings before the Small Causes Court, till any orders are passed by competent court.
3. The parties are at liberty to prefer an application in the Partition Suit filed by the Petitioner, for withdrawal of the amount

deposited by the original defendant in Small Causes Court. Since this court has not decided the issue of withdrawal on merits, all questions are kept open.

4. The learned counsel for the Respondent states that his client has withdraw a sum of Rs.9,40,000/- from the Small Causes Court from the total amount of Rs.83,00,000/-.

5. This Writ Petition is accordingly disposed of. All pending Interim Applications are also disposed of.

(RAJESH S. PATIL, J.)