

Nikita

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10934 OF 2023

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Date: 2023.11.03
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Hema Jagdip Mehta

... Petitioner

V/s.

Bharati Sharad Parab and Ors.

... Respondents

Ms. Jesal Shah i/b Daru Shah and Co. for the
Petitioner.

Mr. Ajit S. Karwande for the Respondent.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 12, 2023

PC.:

1. Both parties to the petition agree that the petitioner is entitled to withdraw half share of the total amount of royalty/compensation along with the interest after deducting Rs.10,00,000/-. It is made clear that this order is passed without prejudice to the rights of both the parties to agitate their rights before the Trial Court and all other Courts as regards their respective rights to claim properties in question. Hence following order:

a) Without prejudice to the rights to the parties, petitioner and respondent No.1 *each* is permitted to withdraw half of the amount deposited with the receiver High Court Bombay

along with the interest after deducting Rs.10,00,000/-.

2. For the future amount, the petitioner will be at liberty to file independent application before the Trial Court which shall be decided by the Trial Court in accordance with law.
3. Receiver shall pay the amount as directed, within two weeks from today.
4. The writ petition stands disposed of.

(AMIT BORKAR, J.)

Note:- This order is modified as per order dated 2nd November 2023. The correction in paragraph 1(a) is shown in italicize.