

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 30281 OF 2022
IN
WRIT PETITION NO. 1112 OF 2022

Smt. Prafulla Kottary Widow of Mr. K. S. Madhava ...Applicant

Versus

Mrs. Sujata Ramesh Golha ...Respondent

WITH

WRIT PETITION NO. 1112 OF 2022

Mrs. Sujata Ramesh Golha ...Petitioner

Versus

Smt. Prafulla Kottary Widow of Mr. K. S. Madhava ...Respondent

Mr. Ganesh S. Vaidya for the Applicant.

Mr. Vivek N. Machha a/w Ms. Monila Chaskar for the Respondent in IA and for the Petitioner in WP No.1112 of 2022.

CORAM : SHIVKUMAR DIGE, J.

DATE : 31st MARCH 2023.

P. C. :

1. Heard learned Counsel for the Applicant and learned Counsel for the Respondent.

2. Learned Counsel for the Applicant submits that as per the Order of this Court, the Respondent has deposited Rs. 10,98,000/- before this Court. This amount is required to be withdrawn as Applicant has to pay the

maintenance charges and dues of the society, which was not paid by the Respondent. Hence, requested to allow the Application.

3. Learned Counsel for the Respondent strongly objected to allow the Application on the ground that the Respondent has challenged the impugned Order of the Competent Authority and Revisional Court. As per the directions of this Court, the Respondent has deposited the amount. If this Court inclined to permit the withdrawal of amount, in that case, the hearing of the Writ Petition be expedite and matter be heard finally, at the admission stage.

4. I have heard both learned Counsel.

5. Admittedly the Petitioner has challenged the Order passed by the Revisional Court, confirming the Order of eviction of the Petitioner from suit premises. This Court (Coram : A. S. Gadkari, J.) directed the Petitioner/Respondent to deposit 50% amount. Accordingly, he has deposited the said amount. The Applicant requires said amount for paying maintenance and dues of the society. Applicant is permitted to withdraw this amount on furnishing undertaking that if requires, he will deposit it, before this Court. In view of above, I pass following Order :

ORDER

- i. Application is allowed.
- ii. The Applicant is permitted to withdraw the deposited amount of

Rs.10,98,000/- alongwith accrued interest thereon, on furnishing undertaking before the Registry, as in case, if the Respondent succeeds in the Appeal, the Applicant would re-deposit amount before this Court.

iii. Application is disposed off.

6. List the Appeal on **3rd May, 2023.**

(SHIVKUMAR DIGE, J.)