

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO.116 OF 2023 IN
WRIT PETITION NO.2718 OF 2018 (D)

Municipal Council, Dhamangaon (Railway), through its Chief Officer, Dhamangaon
(Railway) .**Vs.** Bandu S/o Barkaji Katyarmal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.H. Daga, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 31/03/2023

1. Shri Daga, learned counsel for the respondent points out that this Court vide order dated 04.05.2018 in Writ Petition No.2718 of 2018 filed by the Municipal Council directed the Municipal Council to deposit Rs.1,00,000/- as a condition for grant of stay. The said order was complied with by the Municipal Council. Thereafter, at the time of disposal of the said writ petition, this Court directed the Municipal Council to deposit Rs.3,41,000/- as a condition for remand. The said order was also complied and accordingly, the Municipal Council deposited total amount of Rs.3,41,000/-. Accordingly, he submits that the total amount was deposited by the Municipal Council was Rs.4,41,000/-.

2. He has further drawn attention of this Court that vide earlier order passed by this Court dated 28.09.2022, the applicant was permitted to withdraw Rs.3,41,000/-.

3. It is submitted that inadvertently, the amount Rs.3,41,000/- was mentioned in the application instead of Rs.4,41,000/-. He submits that therefore, the applicant may be permitted to withdraw the balance amount of Rs.1,00,000/-.

4. Considering the above referred facts, I am of the opinion that the present application needs to be allowed and thereby, to grant permission to the applicant to withdraw Rs.1,00,000/- lying in this Court, along with interest accrued thereon, if any.

Civil application is **disposed of** accordingly.

JUDGE