

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

CIVIL APPLICATION (CAS) NO.238/2023

IN
SECOND APPEAL NO.74/2012

Santosh s/o Tanku Bhople (dead) thr. LR's Mankarnabai Santoshrao Bhople and
 others

Vs.

Shriram Tanku Bhople (dead) thr. LR's Shantabai Shriram Bhople and others

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri M.A. Deo, Advocate h/f Shri Rohit Joshi, Advocate for
 appellants
 Shri N.B. Kalwaghe, Advocate for respondent No.6

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 27/04/2023

The present application is filed by respondent No.6 for grant of permission to withdraw entire amount lying in the Bank account with Bank of Maharashtra, branch at Buldhana. However, after reply is filed, the applicant is restricting his claim to the extent of 1/4th of amount lying in his bank as the First Appellate Court held that all the parties are having equal share i.e. 1/4th.

2. This Court vide order dated 30/09/2014, granted liberty to the parties to take necessary steps to seek withdrawal of the amount of rent so deposited during the pendency of present Second Appeal.

3. The learned Counsel for appellants have no objection if 1/4th amount is permitted to withdraw from the account of respondent No.6. The said

amount is towards rent of shop blocks in dispute. In view thereof, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) Respondent No.6 is granted permission to withdraw 1/4th amount of rent so deposited in his account with Bank of Maharashtra, Branch at Buldhana.
- iii) The respondents in paragraph No.16 of the application made a statement that if any adverse orders would be passed against respondent No.6, he will re-deposit the amount as per directions.

List the matter in the list of final hearing board in the week commencing from 19/06/2023.

JUDGE

R.S. Sahare