



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1840 OF 2024
IN CP/333/2015**

**SMT. VITHABAI D/O. BHIKAN DESALE
VERSUS**

PUSHPA W/O. ARUN DIXIT AND OTHERS

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Smt. Vithabai D/o Bhikan Desale – party-in-person
Ms M. L. Sangit, AGP for Respondent – State

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CORAM : S. G. MEHARE, J.

DATE : 04 MARCH 2024

PER COURT :-

1. Heard the applicant in person.
2. The applicant has filed Contempt Petition No.333 of 2015. She had moved Civil Application No.11610 of 2017 for compliance of the order of this Court dated 24.02.2017 in Contempt Petition No.333 of 2015. She also prayed to take action for contempt of Court. The said application was heard on 02.09.2022.

3. Respondent Nos. 1 and 2 sought time to deposit the amount calculated by the Education Officer as per the order of this Court. They sought installments to deposit the amount of Rs.20,67,000/-. The petitioner has withdrawn Rs. 7,48,000/- out of the said amount. The Court had granted four installments to respondent Nos. 1 and 2 to deposit remaining amount of Rs.13,19,000/-.

4. It is the application of the petitioner that as per the order dated 02.09.2022, respondent Nos. 1 and 2 have deposited Rs.13,19,000/- in this Court. They did not deposit the fine amount of Rs.5,550/-. It is the salary amount of the petitioner. Hence, that amount be released.

5. The aged petitioner with her husband is sitting in the Court since morning. The matter did not reach. They requested to the Court their case may be taken out of turn, when the Court was rising. Considering their age and a short prayer for withdrawal amount, the matter is taken up out of turn. The other side was not present. He may not reach the Court, as matter is taken up out of

turn. To protect interest, the papers on record have been considered while passing orders.

6. It is admitted that the amount is deposited as per the calculations of the Education Officer. Hence, prima-facie, it appears that the applicant is entitled to withdraw the said amount.

7. The applicant is allowed to withdraw Rs.13,19,000/- deposited with this Court with accrued interest, if deposited in fixed deposit, on the undertaking that she would deposit the amount in the event of passing any adverse orders against her.

8. Respondent Nos. 1 and 2 are directed to deposit Rs.5,550/- within four weeks from today with this Court. If they fail to deposit the same, coercive action would be initiated against them.

9. The civil application stands disposed of.

[S. G. MEHARE, J.]

SMS