

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17261 OF 2024

G. B. Industries Reg. Partnership Firm

Thr. Its Partners Vishal S. Bhogate

...Petitioner

Versus

Minakshi Balasao Magdum & Ors.

...Respondents

Mr. Shrikrishna Ganbavle a/w Mr. Ruturaj Pawar, Mr. Dheeraj Patil for Petitioner.

Mr. R. M. Haridas a/w Mr. Prasad P. Kulkarni, and Mr. Ananda Chavan for
Respondent Nos.1 to 3.

Mr. A. I. Patel, Addl. G. P. a/w Ms. M. S. Bane, AGP for State – Respondent Nos.4,
5 & 7.

Ms. Kanchan Phatak i/b Mr. Nitin Deshpande for Respondent No.6.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 02 DECEMBER 2024

P.C.

1. The proceeding is listed today to record part compliance of our order dated 28 November 2024, in as much as the petitioner / G. B. Industries was to place on record an affidavit disclosing all his movable and immovable properties. It is stated by Mr. Ganbavle, learned counsel for the petitioner that the original affidavit has been filed in the Registry on 30 November 2024. Mr. Ganbavle has also stated that a cheque of Rs. 5,00,000/- in favour of the respondent / Ms. Minakshi Balasao Magdum of the Rajarambapur Sahakari Bank Limited, Laxmipuri Branch, Kolhapur has been handed over to the advocate for the respondents, as shown to us. The cheque is dated 4 December 2024 bearing No.059737.

2. Mr. Ganbavle submits that the account of the petitioner namely Current Account PR. No.032330100000151 would be accordingly required to be adjusted so as to bring some amounts from the other bank accounts for which permission be granted to the petitioner. He submits that this would be possible only if the following directions of this Court in para 26 are modified.

“We are direct that the petitioner shall not part with immobavle property which they possess or any substantial funds above an amount of Rs.50,000/- in Bank or Fixed Deposits without the prior permission of the Court till the amounts are paid to respondent Nos.1 to 3.”

3. We accept the request as made by Mr. Ganbavle and only for the purpose of such adjustment, so as to bring appropriate amounts in the Current Account from which the said cheque has been issued in favour of the respondents / Ms. Meenakshi Balasao Magdum. We accordingly permit the petitioner to operate the other bank accounts to this extent only.

4. We also clarify that the cheque dated 4 December 2024 is likely to be honoured in two days. We accordingly list the present proceedings on **6 December 2024**, with the aforesaid modification of para 26 of our directions.

5. Ordered Accordingly.

6. Stand over to **06 December 2024** at 2.30 p.m.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)