

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6931 OF 2024

IN

WRIT PETITION NO. 4864 OF 2003

Milind S. Bendre

.. Applicant

In The Matter Between

~~Narhar Rango Kulkarni~~ (since deceased)

Jaya Narhar Kulkarni & Ors.

Petitioner

Versus

Milind S. Bendre

.. Respondent

-
- Mr. Padmakar M. Shah for Applicant
 - Mr. Bhooshan Mandlik for Respondent
-

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 12, 2024

P. C.:

1. Heard Mr. Shah, learned Advocate for Applicant and Mr. Mandlik, learned Advocate for Respondent.

2. By the present Interim Application, Applicant seeks withdrawal of the amount of Rs. 4,50,000/- deposited in this Court pursuant to the interim order passed by this Court on 18.08.2003. That order has been reproduced by me in my order dated 05.06.2023 while disposing of Writ Petition No. 4864 of 2003. The order dated 18.08.2003 records that it will be open to the Respondent (Applicant herein) to apply for withdrawal of the said amount deposited in this Court and if

any such Application is made, the Court may pass appropriate orders as may be advised.

3. Respondents herein who are the legal heirs of the original deceased Petitioner are represented by Mr. Mandlik today. He would submit that appropriate orders be passed by this Court.

4. On perusal of the order dated 18.08.2003 read with the order dated 05.06.2023, it is clear that the amount which has been deposited in the Court can be allowed to be withdrawn by the Applicant before me.

5. In view of the above, present Interim Application is allowed and disposed of in terms of prayer clauses (a) and (b) which read thus:-

“(a) this interim application may kindly be allowed;

(b) this Hon’ble Court be pleased to permit the Applicant to withdraw the amount of Rs. 4,50,000/- deposited by the Petitioner in the above Writ Petition before this Hon’ble Court”

6. Concerned Registrar of the Appellate Side shall take immediate cognizance of a server copy of order on the same being produced by the learned Advocate for Applicant before him and on such Application being made giving details of the bank account of the Applicant and shall within a period of two weeks from the date of receipt of such Application release the amount of Rs. 4,50,000/- along with accrued interest thereon to the Applicant. For doing so, if the

Registrar is required to break any fixed deposit receipts, he would do so immediately.

7. Applicant's Advocate shall approach the Registrar of the Appellate Side on 13.06.2024 and place this order and cognizance of the same shall be taken by the concerned Registrar.

8. With the above directions, Interim Application stands allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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