

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 12943 OF 2024
IN
FIRST APPEAL NO. 1375 OF 2017**

**Navin Gajanan Patil
V/s.**

...Applicant

**Nandkumar Mumbaikar through its
Proprietor M/s Aditya Distributors**

...Respondent

Mr. Sandesh Deshpande, Advocate for the Applicant.
Mr. Akshay Pansare i/b Mr. Manish Bohra for Appellant.

**CORAM : ABHAY AHUJA, J.
DATE : 3rd OCTOBER, 2024**

PC. :

1. This Interim Application seeks clarification from the Court in view of the objection raised by the Decree Department that although an amount of Rs. 2,00,000/- was deposited, the consent terms which have been taken on record by this Court provides, that the Respondent be allowed to withdraw Rs. 2,40,000/- from the Court as full and final settlement of his claim and the balance be permitted to be withdrawn by the Appellant.

2. Mr. Deshpande, learned Counsel appears for the original Respondent and submits that since Rs. 2,00,000/- that were deposited

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on 4th August, 2018, pursuant to the consent terms, were also invested and the amount lying with the Registry / Nazir Department would be much more than Rs. 2,40,000/-, in view of the interest accrued thereon. That since it was the understanding between the parties that in addition to Rs. 2,00,000/- deposited on 4th August, 2018, Rs. 2,40,000/- be withdrawn by the Respondent which would include Rs. 2,00,000/- in addition to accrued interest of Rs. 40,000/- and that the balance of the interest on Rs. 2,00,000/- after permitting the Respondent to withdraw Rs. 40,000/- in addition to Rs. 2,00,000/- be withdrawn by the Appellant and that accordingly, this Court direct the Nazir Department to do the needful, submitting that there should be no confusion on the issue as the consent terms are clear as allowed by the Court.

3. Mr. Pansare, learned Counsel appears for the original Appellant concurs with the submissions made by Mr. Deshpande and submits that this Court pass appropriate directions to the Nazir Department.

4. Having heard the learned Counsel and having considered their submissions, this Court directs the Decree Department/ Nazir Department to make payment of Rs. 2,40,000/- to the original

Respondent from the amount lying in the account of the said matter and the balance amount remaining therein to be paid to the original appellant.

5. Accordingly, the application is allowed and disposed of as above.
6. Parties to act upon an authenticated copy of this order.

(ABHAY AHUJA, J.)