

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 833 OF 2024

Nilesh Omprakash Saini & Ors	...Petitioners
<i>Versus</i>	
State of Maharashtra & Ors	...Respondents

Mr Dharam Juman*i, with Mihir Nerurkar & Shiviani Varade, i/b*
MDP & Partners, for the Petitioners.

Mr Milind More, Addl GP,*for the Respondent-State.*

Mr Simil Purohit,*with Sharique Nachan & Khurrane, i/b Akif N*
Patel, for Respondents Nos 4 to 7.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 15th March 2024

PC:-

1. Since the entire amount of Rs 3.25 crores has been deposited by the developer in Court, our hearing faculties are restored and we can hear Mr Purohit perfectly clearly. We accept his request to list the matter on 26th March 2024.

2. Mr Juman seeks an order permitting these 24 Petitioners to withdraw the amount deposited and to arrange for a distribution between themselves. There are 30 other persons, but this amount and this dispute is only in regard to the claim of these 24 Petitioners.

We are making no order in regard to the others nor are we permitting a distribution to the others because their claims are as yet unknown, and it would be conceivably unfair to Mr Purohit to bundle unknown claims into this Petition.

3. Since there is no association and no society of these 24 Petitioners with a separate bank account, as an exceptional case we permit the withdrawal to be sought by the Advocates on record, namely, MDP & Partners. The Prothonotary & Senior Master will permit this. The law firm will hold this amount in its client escrow account exclusively for distribution to the 24 Petitioners in equal shares. The payment is to be made by MDP & Partners to the 24 Petitioners and a record is to be maintained. We expect that a statement of receipt of the amount deposited and its distribution will be placed on Affidavit by MDP & Partners for completeness of record and to avoid all further controversy in the matter.

4. List the matter on 26th March 2024.

(Kamal Khata, J)

(G. S. Patel, J)