



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO. 7508 OF 2025
IN FA/648/2004

PUSHPA RAMESHWAR DHOOT
VERSUS
MANISHA SANJEEV DHORIKAR

....

Mr. Nikhil Sonawane h/f Mr. L. D. Vakil, Advocate for Applicant
Mr. R. P. Totla h/f Mr. Yogesh Somani, Advocate for Respondent

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CORAM : Y. G. KHOBRAGADE, J.

DATE : January 08, 2026

PER COURT :-

1. Heard learned counsel for the applicant and the learned counsel for the non-applicant, at length.
2. By the present application, the applicant / original plaintiff, prayed for permission to withdraw an amount of Rs.1,50,000/- deposited by the non-applicant in this Court on 07.04.2025 in First Appeal No.648 of 2004.
3. It appears that the present applicant / plaintiff had filed Special Civil Suit No. 226 of 2000, seeking decree of specific

performance of contract dated 14.01.1998. After conducting the trial, the learned trial Court partly decreed the suit and directed the defendant / present non-applicant to refund earnest amount of Rs.2,00,000/- with interest at the rate of 12% p.a.

4. Being aggrieved by the said judgment and decree, the non-applicant had filed First Appeal No.648 of 2004 before this Court and in pursuance of the order dated 31.03.2005 in Civil Application No.3638 of 2005, passed by this Court, the non-applicant / original defendant deposited an amount of Rs.1,50,000/- in this Court on 07.04.2025. The said First Appeal came to be transferred to the District Court due to increase of pecuniary jurisdiction and renumbered as R.C.A. No.152 of 2012.

5. It is further canvassed that during pendency of the said Regular Civil Appeal, the non-applicant/defendant deposited remaining balance decretal amount of Rs.2,49,500/- on 02.04.2019 under the demand draft of Saraswat Cooperative Bank. On 03.09.2019, the learned District Judge, Aurangabad passed the judgment and decree and dismissed the said appeal of the non-applicant / defendant.

6. The learned counsel for the applicant canvassed that the applicant / plaintiff has already withdrawn an amount of Rs.2,49,500/- with accrued interest from the learned District Court and only an amount of Rs.1,50,000/- with accrued interest thereon is remained to be withdrawn.

7. The learned counsel for the non-applicant, on instructions, submits that he has no objection.

8. In view of above, it will be just and proper to permit the applicant to withdraw the amount of Rs.1,50,000/- lying with this Court along with accrued interest.

9. In view of above, the civil application is disposed off.

[Y. G. KHOBRADE, J.]

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