ईमेलद्वारे

जा.क्र./तां.वि./२५१३/२०२३
जिल्हा न्यायालय, अहमदनगर
दिनांक :- १८/०३/२०२३
१८

प्रति,

अहमदनगर जिल्हयातील सर्व न्यायीक अधिकारी
जि. अहमदनगर.

विषय : **न्यायालयात जमा झालेल्या रकमा मुदत ठेवीमध्ये ठेवणेबाबत.**

संदर्भ : मा.उच्च न्यायालय मुंबई यांचे कडील प्रथम अपिल क्र. १५८५/२००३ मधील दिनांक ४.८.२०१० रोजीचे आदेश.

उपरोक्त संदर्भिय पत्र सर्व न्यायालयांच्या वेळोवेळी निदर्शनास आणुन देण्यात आलेले आहेत. मा. उच्च न्यायालय मुंबई यांचे उपरोक्त आदेशान्वये दिवाणी व फौजदारी प्रकरणातील लेखा व वित्त विभागातील जमा असणा-या रकमांच्या मुदत ठेव पावत्या तयार करणे आवश्यक आहे. परतु त्याप्रमाणे मुदत ठेव पावत्या तयार करण्यात येत नाहीत.

या द्वारे लेखा व वित्त विभागातील सर्व कर्मचारी व संबंधितांना आदेशीत करण्यात येते की, उपरोक्त संदर्भीय मा. उच्च न्यायालय, मुंबई यांचे आदेशाचे काटेकोर पालन करुन संबंधीत रकमा मुदत ठेवीत ठेवल्याबाबतचा पुर्तता अहवाल या न्यायालयाकडे पाठवावा. सोबत मा. उच्च न्यायालय, यांचे दिनांक ०४/०८/२०१० रोजीचे प्रथम अपिल क्र. १५८५/२००३ मधील आदेश जोडलेला आहे.

(सुधाकर वें. यार्लगड्डा)
प्रमुख जिल्हा व सत्र न्यायाधीश,
अहमदनगर

जिल्हा न्यायालय, अहमदनगर
दिनांक : १८/०३/२०२३

सोबत : वरीलप्रमाणे.

MACP Letter 2023

9274

MOST URGENT
TIME LIMIT

Tel. & Fax. No.(O): 22673619

No.R(J)/ 3 /2010.
Dated : 4th August 2010.

From : Mangesh S. Patil
Registrar (Judl-I)
High Court, A.S.
Bombay.

To : The Principal District and Sessions Judge,

Subject : Directions in respect of un-invested amount.
Ref : Order dtd. 27/7/2010 in C.A. No.2329 of 2010 in F.A. No.1585 of 2003.

Sir/Madam,

With reference to the subject noted above, I am to inform that while hearing the C.A. NO.2329 of 2010 in F.A. NO.1585 of 2003, the Court (Coram : A.M.Khanwilkar and A.S.Sayed, JJ) on 27/7/2010 has given following directions:

1. The amount deposited by any party to the proceeding, if no application for withdrawal is filed within four weeks from the date of deposit, steps be taken to invest that amount in appropriate long term Fixed Deposit Scheme in a Nationalized Bank which as far as possible does not levy any penal charges for premature withdrawal of the Fixed Deposit.
2. In cases where application is filed and Court has permitted withdrawal of the amount but the party fails to withdraw the same within specified time, the Registry should take steps to invest the said amount in appropriate Fixed Deposit Scheme in the same manner as indicated earlier on expiry of the said period.
3. In cases where no specified time is provided by the Court for withdrawal, after lapse of six weeks from the date of the order the Registry shall take steps to invest the amounts in the same manner as mentioned earlier.
4. We further direct the Officials of all the Courts in Maharashtra to take immediate action to invest the uninvested amount shown in "C" Register in appropriate Fixed Deposit Scheme in any Nationalized Bank.

C
Circulate to all Courts immediately with direction to comply strictly in time
4/8/10
DJ

Received On 4-8-10
4/8/10
Princ... Judge
A...nagar

1381
4/8/10
I/C

5. We further observe that during inspection of the Court record, which is routinely undertaken periodically emphasis be placed on scrutiny of "C" Register to reassure that no amount remains uninvested by any Court beyond reasonable period referred to earlier. If it is noticed that inspite of instructions issued in that behalf the amount has remained uninvested, the Accounts Officer/Nazir would be personally responsible and would be proceeded departmentally".

I may further to inform you that today the Court has passed a further order and has directed all concerned to comply the above directions and take urgent steps for investing the amounts. The Court has sought necessary compliance/progress report of the above directions on or before 13th August 2010.

I therefore, request you to kindly take necessary steps in pursuance of the directions of the Court and submit your report to me for being placed before their Lordships in time.

The copy of the order dtd.27/7/2010 is available on the High Court Website and you are requested to download it.

Yours faithfully,

(Mangesh S. Patil)
Registrar (Judicial-I)

No.HKW/ 9274 / 2010
District Court, Ahmednagar
Dated : 04.08. 2010.

Copy forwarded for information & necessary action to:-

All the Judicial Officers working in Ahmednagar District.

They are directed to comply strictly in time and submit their compliance report on or before 9th August, 2010

I/c. Principal District & Sessions Judge,
Ahmednagar.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2329 OF 2010
IN
FIRST APPEAL NO. 1585 OF 2003

Imperial Irrigation and Biotech
Pvt. Ltd. ... ... Applicant.
Versus
Maharashtra State Farming
Corporation Ltd. & Ors. ... ... Respondents.

Mr. Rahul M. More i/by Mr. Uday P. Warunjikar for the Applicant.
Mr. Prabhakar Jadhav i/by Mr. V. P. Sawant for Respondent No.1.

CORAM : A. M. KHANWILKAR and
A. A. SAYED, JJ.

DATED : 27TH JULY, 2010.

P. C. :

This application has been filed in the pending appeal being First Appeal No. 1585 of 2003. The applicant prays that the Registry of the Pune District Court be directed to invest amount deposited by respondent No.1 in Pune Court pursuant to the order of the Court in appropriate Fixed Deposit Scheme of a nationalised Bank. The respondent No.1 has deposited the amount of around Rs.80 lakhs on different dates between June 2004 to November, 2004 in compliance of the order of the Court dated 5th May, 2004. We are appalled to know that such substantial amount deposited by respondent No.1 has remained uninvested in the Registry of the Pune District Court for over six years.

2. During the course of hearing, it transpired that there is no express provision in the Civil Manual providing for investment of the amount deposited by the parties and in respect of which no request for withdrawal or order of investment is made by the Court. Considering that position, we anticipated that similar position must be obtaining in subordinate Courts through out the State. For that reason, in the first place, we called upon the Principal District Judge and Sessions Judge, Pune, to indicate as to besides the amount in question, was there any other amount lying in the Registry of the District Court which is uninvested and shown in "C" Register. Besides, we directed the District Judge, Pune to issue instructions to concerned Officials to take prompt steps to invest not only the amount in question but also the other amounts in respect of other cases which were lying uninvested. The District Judge, Pune, has submitted his report which indicates that he has already issued circular on 19th July, 2010 issuing appropriate directions to all concerned. The said Circular reads thus:

> "Despite the directions given by the Hon'ble High Court vide Circulars referred to above, it has come to the notice of the undersigned that the Drawing and Disbursing Officers and officials i.e. Superintendents and Assistant Superintendents, working in their Courts are not scrupulously following these directions and resultantly huge amounts deposited by the parties are lying in "C" registers for years together without being invested, in short term fixed deposits.
>
> All the Drawing and Disbursing Officers and Superintendent and Assistant Superintendent working in Pune District are hereby directed to invest the amounts in "C" deposits which are more than Rs.2,000/- in short deposit, if cannot paid to any party for one or other reason within six months of the date of deposit, for a period of two years with a condition, in case the decree holder/claimant approaches for receiving the amount, the F.D.R. Be liquidated. After the period of two years of F.D.R., the process for lapsing the amount to Government shall be taken as per the provisions

of Paragraph 742(27), Chapter-XL of Civil Manual.

It is hereby further directed, that the unclaimed amounts should not be credited to Government as Lapse Deposit in Pending Cases and before lapsing the amount, to follow the instructions in Paragraph 742(27), Chapter-XL of Civil Manual scrupulously.

All the Drawing and Disbursing Officers are further directed that they should see that the amount deposited in Court proceedings required to be invested as per the Circular dated 17/10/2003 referred above, are invested invariably in Nationalised Banks only. The amounts deposited in Civil Court and Motor Accident Claims Tribunal, which are required to be invested as per directions of such Court or Tribunal, also be invariably invested in Nationalised Banks.

The report regarding the compliance of the above directions shall be submitted, giving therein the amount invested in Fixed Deposits and the name of the Nationalised Banks, to the undersigned on or before 31/07/2010 positively.

Any lapse on the part of any official will be viewed seriously."

3. Further, we have noticed that similar Circular was issued by the Registrar (Inspection) of our High Court, Appellate Side as back as on 17th October, 2003, with reference to the observations made by this Court in First Appeal No. 341 of 1984 decided on 13th/14th June, 1991. In the said order, the Court had noted that the amount of Rs.25,000/- was deposited in the Tribunal by the appellant therein in 1984 which remained uninvested for want of Court's order. In this background, the Court observed thus:

"Before parting with this judgment, we deem it necessary to refer to one incidental aspect of the matter. In First Appeal No.341 of 1984, by order dated 23rd August, 1984, the Appellant therein was directed to deposit an amount of Rs.25,000/- in the Tribunal. It was further directed that on such deposit being made, Respondent Nos.1 to 6 therein would be at liberty to make application to the Court for necessary reliefs with regard to the said amount. It appears that by Civil Application No. 4271 of 1988, the Respondents did pray that the amount be paid over to them, but the said Civil Application was rejected by the Court and hearing of the said appeal was only expedited with the result that the amount of Rs.25,000/- deposited in the Tribunal by the said Appellant in the year 1984 continues to be idle without earning interest till today, i.e. 1991. If the said amount was properly invested in the year 1984, it could have earned almost equal amount by way of interest. We feel that this was clearly avoidable loss and a substantial one at that. We have come across several proceedings wherein large amounts are deposited in pursuance to orders passed by the Court, but no further step of investing the same is taken, resulting into avoidable huge monetary loss to the parties. It is time that such a situation is remedied. Therefore, it is necessary for the Advocates appearing for the parties to be particular to get the order of proper investment of amounts deposited in the Courts or Tribunals below and in case the Advocates fail to obtain such order or the Court omits to pass such order of investment, the office of this Cort or office of the lower Tribunals should bring such cases to the notice of the appropriate Court or the Tribunal with a view to obtaining proper orders of investment regarding the amounts so deposited."

4. As aforesaid, the Registry of this Court issued Circular as back as on 17th October, 2003, the same reads thus:

"While carrying out inspections of District and Sessions Courts in the State of Maharashtra, Goa, Union Territories of Diu, Daman and Dadra Nagar Haveli at Silvassa, City Civil Courts, Court of Small Causes, it has been noticed that inspite of directions issued by this Hon'ble High Court (Coram: V. P. Tipnis & Jhunjhunuwala, JJ) in the Judgment dated 13th/14th June, 1991 in First Appeal No.341/84 with 394/85 passed regarding investment of Deposited amounts which was circulated to all the District Judges, Principal Judge of Court of City Civil Court, Chief Judge of Small Causes Courts vide Circular No. A(Spl.)0404/4126/1999, the Judicial Officers have not invested such amounts in Short Term Deposit in Civil and M. A. C. P. matters.

Their Lordship have, therefore, directed me to draw your attention to the above Judgment and to ask all the subordinate Courts including the District and Sessions Court to follow the directions given in the Judgment and invest amount in deposit which are more than Rs.2,000/- in Short Term Deposit if cannot be paid to any party for one or other reason within 6 months of the date of deposit. Their Lordships also further directed me to request you not to credit unclaimed amount to the Government ____ in pending cases and before lapsing the amount follow the instructions in para 842(27) of Ch.XL of the Civil Manual.

Failure to follow above instructions may attract unpleasant consequences."

Later on, another circular was issued by the Registrar General on 18th May, 2004, which reads thus:

"In modification of this office Circular No. A.1228/73 dated 13th July, 1992 and in continuation of Circular No. A(Spl.)0404/180/2003 dated 17th October, 2003 on the subject pertaining to the investment of deposited amount in Short Term Deposit, and in order to safeguard the interest of the litigants, The Honourable the Chief Justice and Judges are pleased to issue following directions:-

The amounts required to be invested in the Court proceedings as per the Circular No. A(Spl.)0404/180/2003 dated 17th October, 2003, invariably be invested only in Nationalised Banks.

The amounts deposited in Civil Court and in the Motor Accident Claim Tribunals as per the direction of the Court/Tribunal requires investment should invariably be invested only in Nationalized Banks.

The above directions should be scrupulously followed."

Our attention has been invited to yet another Circular issued by the Registrar General on 11th June, 2004, which reads thus:

"In modification of this Office Circular No.A.1228/73 dated 13th July, 1992 and the Office circular dated 18.5.2004 in continuation of Circular No. A(Spl.)0404/180/2003 dated 17th October, 2003, on the subject of investment of Court deposits, in order to safeguard the interest of the litigations, the Honourable the Chief Justice and Judges are pleased to issue following directions:-

1. Amounts deposited in Court proceedings required to be invested as per Circular No. A(Spl.)0404/180/2003 dated 17th October, 2003 shall be invested invariably in Nationalized Banks only.

2. Amounts deposited in Civil Courts and in Motor Accident Claims

Tribunals which are required to be invested as per the directions of such Court or Tribunal should also be invested invariably in Nationalised Banks only.

The above directions should be scrupulously follows."

5. Inspite of such repeated Circulars issued by this Court including the Order passed in First Appeal referred to above, the situation has not changed a bit. We say so on the basis of information now collated from the different Districts pursuant to the directions issued by us. The District wise position which has been placed before us by the Registrar (Judicial-I) is as under:

Sr. No.	District	Amount	Remarks
1	Ahmednagar	6,02,27,390.00	
2	Akola	29,23,957.00	
3	Amravati	26,52,874.00	
4	Aurangabad	24,89,405.00	
5	Beed	1,61,83,535.00	
6	Bhandara	26,26,764.00	
7	Buldana	87,70,951.00	
8	Chandrapur	2,80,71,605.00	
9	Dhule	1,76,06,208.00	
10	Gadchiroli	61,66,761.00	
11	Jalgaon		
12	Jalna	79,09,370.00	
13	Kolhapur	1,64,46,091.00	
14	Latur	98,33,968.00	
15	Nagpur	25,26,45,031.00	
16	Nanded	31,30,785.00	
17	Nashik	16,47,08,187.00	
18	Osmanabad	86,51,459.00	

19	Parbhani	49,28,942.00	
20	Pune	19,93,90,905.00	
21	Raigad-Alibag	5,96,14,511.00	
22	Ratnagiri	22,48,487.00	
23	Sangli	NIL	
24	Satara	1,17,01,000.00	
25	Sindhudurg-Oras	1,67,528.00	
26	Solapur	58,03,572.16	
27	Thane	1,14,68,407.00	
28	Wardha	2,50,67,265.00	
29	Yavatmal	4,33,94,583.00	
30	North-Goa (Panaji)	NIL	
31	South Goa (Margao)	NIL	
32	Daman (U.T.)	12,767.00	
33	Diu (U.T.)	16,48,472.00	
34	Dadra & Nagar Haveli at Silvassa (U.T.	1,74,758.00	
35	City Civil Court, Bombay	NIL	
36	Court of Small Causes,Bombay.	Not received	
37	High Court, A. S.	5,29,55,224.07	
38	High Court, O.S.	Not received	

6. It is unnecessary to underscore the significance of the direction which we propose to issue considering the quantum of uninvested amounts throughout the State which as per the information made available as of now is nearly Rs.103 Crores. We are informed that the information given by the Registry, High Court, Appellate Side is not complete. Besides, no information is forthcoming from the High Court, Original Side on the specious reasoning, that to collect such information it would take some time as more than 600 registers will have to be

verified. The Registrar (Judicial-I) was requested to collect information from all the Courts so that comprehensive position becomes available to the Court. Inspite of sufficient time given to the Officials of the Original Side of this Court, no effort has been made to provide the necessary information. We would assume that the amount which has remained uninvested pending with the Original Side of this Court would be equally substantial and not minuscule.

7. Considering the gravity of the situation coupled with the fact that there is no express provision in the Civil Manual, we deem it appropriate to give direction to the Officials of all the Courts within the State be it at the Taluka level or the Registry of this Court to follow the norms prescribed by us until a formal rule or provision is articulated in that behalf. We are inclined to issue directions as mentioned hereinbelow so that the parties to the proceedings should not suffer the consequence of non-investment of the amount during the pendency of the proceedings on account of the mistake of the Officials of Court. We hope that the norms stated hereinafter will be scrupulously observed by all concerned henceforth.

(1) The amount deposited by any party to the proceeding, if no application for withdrawal is filed within four weeks from the date of deposit, steps be taken to invest that amount in appropriate long term Fixed Deposit Scheme in a Nationalized Bank which as far as possible does not levy any penal charges for premature withdrawal of the Fixed Deposit.

(2) In cases where application is filed and Court has permitted withdrawal of the amount but the party fails to withdraw the same within specified time, the Registry should take steps to invest the said amount in appropriate Fixed Deposit Scheme in the same manner as indicated earlier on expiry of the said period.

(3) In cases where no specified time is provided by the Court for withdrawal, after lapse of six weeks from the date of the order the Registry shall take steps to invest the amounts in the same manner as mentioned earlier.

(4) We further direct the Officials of all the Courts in Maharashtra to take immediate action to invest the uninvested amount shown in "C" Register in appropriate Fixed Deposit Scheme in any Nationalized Bank.

(5) We further observe that during inspection of the Court record, which is routinely undertaken periodically emphasis be placed on scrutiny of "C" Register to reassure that no amount remains uninvested by any Court beyond reasonable period referred to earlier. If it is noticed that inspite of instructions issued in that behalf the amount has remained uninvested, the Accounts Officer/ Nazir would be personally responsible and would be proceeded departmentally.

8. We direct the Prothonotary and Senior Master, High Court, Original Side to furnish information regarding uninvested amount lying in the Registry on the next

date of hearing. We also direct the Registrar (Judicial-I) to ensure that the complete information pertaining to High Court, Appellate Side, regarding uninvested amount lying in the Registry is furnished to us before the next date of hearing.

9. Hearing of this application is deferred to 30th July, 2010, for further orders.

Sd/- Sd/-

(A. A. SAYED, J.) (A. M. KHANWILKAR, J.)