

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CIVIL APPELLATE JURISDICTION.**

Civil Application No.13111/2014.

In

Writ Petition No.8899/2011.

Sitaram Shrirang Shinde & Ors. :: **Applicants.**

Versus

Ahmednagar Zilla Sah Krushi Gramin
Bahuuddeshiya Vikas Bank Ltd
Ahmednagar & Ors.
Through Its Manager :: **Respondents.**

Appearance =>

Mr. Parag V. Barde, Advocate for the Applicants.

Mr. V.S. Badakh, Advocate for the Respondents.

CORAM : V.M. Deshpande, J.

DATE : 6th January, 2015.

Per Court :-

This is an application moved by Applicants - original respondents in Writ Petition, seeking permission for withdrawal of amount, deposited by Respondent Nos. 1 and 2 (original petitioner Bank in W.P.No. 8899/11), in this court, in view of the order dated 12th June, 2013 passed by this court [Coram S.V. Gangapurwala, J.].

[2] According to the learned counsel for the applicants and also the learned counsel for respondents, in pursuance to the said order amount is deposited and same is lying with this Court. The learned counsel for the

original petitioner - Bank submitted that conditions may be imposed upon the present applicants at the time of withdrawal of the amount.

[3] The learned counsel for the applicants invited attention of this court to the order dated 19th October, 2010 passed by this court [Coram : K.U. Chandiwal, J.] in other Writ Petitions, in which this court allowed withdrawal of amount by imposing condition that claimant/s shall file an undertaking duly notarized and submit it before this court.

[4] Since the amount is deposited in pursuant to the order, passed by this court, in the interest of justice, the applicants are entitled to receive said amount, deposited by original petitioner. However, before withdrawing said amount, the applicants / original respondents shall file an undertaking duly notarized, in the Registry of this court stating therein that in the event, the petitioner is succeeded in the Writ Petition, the applicants / respondents shall refund the entire amount alongwith interest @ Rs.9% *per annum* within a period of ten days from such decision. With this, Civil Application is disposed of.

(V.M. DESHPANDE, J.)