

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.344 OF 2014
IN
FIRST APPEAL NO.1054 OF 2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Rajesh B. Parab for the Applicant
Mr. S. M. Suryawanshi for the Respondent.

CORAM : K. K. TATED, J.
DATE : MARCH 12, 2015

P.C.:

1. Heard. This Application is preferred by the original Plaintiff for withdrawal of the amount deposited by the Appellant Jaydatta Vitthal Surve with Court receiver, pursuant to the order dated 10/05/2012 passed by the City Civil Court in Chamber Summons No.1123/2006 and order dated 11/10/2013 passed by this court (Coram : S. S. Shinde, J.) in Civil Application No.2137/2012 with Civil Application No.2957/2012.

2. The Applicant - Plaintiff filed this Application for withdrawal of the amount, as a liberty was granted by the Trial Court by order dated 10/05/2012 as well as the order passed by this court (Coram : S. S. Shinde, J.) on 11/10/2013.

3. The learned counsel for the Appellant submits that they have no-objection if the Applicant withdraws the amount, but he must give an undertaking to this court as well as the Court Receiver that in case he loses the present proceedings, he will bring the entire amount with interest @ 6% p.a. from the date of withdrawal

4. The learned counsel for the Applicant submits that the Applicant is ready and willing to give such an undertaking before this court as well as the Court Receiver.

5. Hence, by consent, following order is passed:

a) The Applicant is permitted to withdraw amount lying with the Court Receiver in the account of Suit No.2575/1992 by furnishing an undertaking that in case they loses the present proceedings i.e. First Appeal No.1054/2012, they will bring back the entire amount with interest @ 6% p.a..

b) On the same terms and conditions, the Applicant is entitled to withdraw further amount on yearly basis.

c) Civil application stands disposed off accordingly.

JUDGE