

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (F) No. 995 of 2015 in F.A.No. 1200 of 2013

Executive Engineer, VIDC Medium Project Division, Nagpur vs. Shri
Keshavrao s/o Sakharam Chopde and others.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. V.G.Palshikar, Adv. For the petitioner.

Ms Shruti Najbile, Adv. For R-1/applicant.

Mr. N.S.Rao, AGP for R- 2 and 3.

CORAM: B.R.GAVAI & INDIRA K. JAIN, JJ
DATE : 3.8.2015

This application is for permission to withdraw the balance amount which is deposited in this Court.

While considering the application of the appellant, this court granted stay on the condition that appellant deposits 50% of the amount awarded by the Reference Court.

By an earlier order, 50% of the amount deposited was permitted to be withdrawn.

The applicant approached this court contending therein that the learned Single Judge, in a matter arising out of identical facts, has allowed the entire amount to be withdrawn.

The learned counsel appearing on behalf of the appellant submits that applicant/ respondent no.1 may be directed to provide security as directed by this court as a condition precedent for withdrawal of the said amount. We find that the interest of the appellant can be safeguarded if certain conditions are imposed while permitting withdrawal of the amount.

The applicant/ respondent no.1 is, therefore, permitted to withdraw the balance amount by furnishing solvent surety to the satisfaction of the Registrar (J) and further that the applicant files an undertaking that in the event he is required to refund any amount at the final hearing of the appeal, the applicant shall do so within the period as prescribed by this Court. Application is allowed accordingly.

JUDGE

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