

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

CIVIL APPLICATION (CAF) NO.1081 OF 2015
IN
FIRST APPEAL NO.994 OF 2009

State of Maharashtra & Ors.

-vs-

Yashwant s/o Nathu Nagpure

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Smt Rashi Deshpande, AGP for appellants.
Shri A. R. Patil, Advocate for respondent/applicant.

CORAM : A.S.CHANDURKAR, J.
DATE : AUGUST 24, 2015

This application has been moved by the respondent seeking modification of the order dated 22/02/2012 by which the respondent was permitted to withdraw 1/4th of the amount deposited by the appellant on furnishing security. It is submitted that the respondent being aggrieved by aforesaid order had approached the Honourable Supreme Court and by order dated 13/03/2015 the liberty was granted to the respondent to apply for modification. It is further submitted that in respect of another appeal arising out of the same award, the Division Bench of this Court in F.A.No.768/2009 permitted the claimant therein to withdraw 50% of the amount without any security and 50% of said amount on furnishing security to the satisfaction of the Registrar (Judicial).

Reply has been filed on behalf of the appellants opposing the prayer as made.

Considering the order passed by the Division Bench in F.A.No.768/2009 coupled with the fact that it is stated to arise from the same award, the order dated 22/02/2012 passed in this appeal is modified and the respondent is permitted to withdraw 50% of the amount without any security and remaining amount on furnishing security to the satisfaction of the Registrar (Judicial). The amounts already withdrawn shall be taken into consideration while permitting withdrawal of remaining amounts as per this order.

C.A. is allowed in aforesaid terms and stands disposed of.

JUDGE