

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

CIVIL APPLICATION (CAO) NO. 875 OF 2013
IN
CIVIL APPLICATION (CAF) NO. 2943 OF 2012
IN
FIRST APPEAL (STAMP) NO. 19739 OF 2012

(Maharashtra State Industrial Development Corporation & others Vs. Gowardhani Construction Company)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M. M. Agnihotri, Advocate for the applicants.

CORAM : B. P. DHARMADHIKARI
AND S. B. SHUKRE, JJ.
DATED : 31 MARCH, 2015

The respondent-decree holder seeks permission to withdraw an amount of Rs.1,46,40,047/- deposited by the appellants-defendants on 15/01/2013 with the Registry of this Court.

The suit filed by the applicant/respondent was for recovery of damages and it arose out of contract between the parties.

The request for withdrawal is being opposed by the appellants-defendants.

Senior Advocate Shri S. P. Dharmadhikari with Advocate Shri Gandhi submits that if appeal is heard expeditiously, interest of justice can be met

with. According to him, if usual order is passed and if Bank guarantee is furnished, it may substantially reduce the benefit of decree, which the applicant has secured in the civil suit.

Advocate Shri Agnihotri for the appellants have no objection if the matter is heard early.

In this situation, we direct the Registry to invest the amount deposited by the appellants in any nationalized Bank initially for the period of 24 months.

The respondent shall furnish private paper book within three months. Liberty to move for date of hearing thereafter.

Civil application stands disposed of.

JUDGE

JUDGE