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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.16376 OF 2015
IN
SECOND APPEAL NO.370 OF 2004

Zabubai Lalchand Jain and others

APPLICANTS

VERSUS

Dashrath Mahadu Darekar and Others

RESPONDENTS

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Mr. K. B. Borde h/f Mr. S. H. Joshi, Advocate for the applicants

Mr. R. K. Kute h/f Mr. V. R. Dhorde, Advocate for respondents

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 7th OCTOBER, 2016

ORDER :

1. Heard learned advocates for the parties.
2. This application has been moved for withdrawal of amount deposited in this court pursuant to order dated 8th June, 2007 in civil application No.11153 of 2006.
3. Mr. Kute, learned advocate appearing for respondents opposes the application making reference to various aspects involved in the second appeal and apprehends that in case the second appeal succeeds and withdrawal is allowed, this amount would be lost.

4. However, having regard to that the applicants are ladies and that the first appellate court has granted decree in their favour, I deem it expedient that the amount be allowed to be withdrawn, subject of course of furnishing security / surety to the satisfaction of the registrar.

5. Civil application as such, stands granted in terms of prayer clause "B" on the condition that the applicants shall furnish security / surety to the satisfaction of the Registrar (Judicial). Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]