

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

**CIVIL APPLICATION NO. 1362 OF 2015
IN
FIRST APPEAL NO. 89 OF 2010**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Samrat Shinde i/b T. D. Deshmukh for the Applicant.

Mr. A.R. Patil, AGP for the Respondent.

CORAM : K. K. TATED, J.

DATED : 22/01/2016

PC.:

. Heard both the sides.

2 This application is preferred by claimants for withdrawal of amount deposited by the Appellant State of Maharashtra in L.A.R. No. 219 of 1991.

3 The learned Counsel for the applicant submits that in similar matter this Court (Coram: Mrs.Mridula Bhatkar, J) by order dated 26.08.2015 allowed the claimants to withdraw the entire amount on condition that, 50% on giving undertaking to the satisfaction of the Reference Court and 50% on furnishing solvent surety to the satisfaction of the Trial Court.

4 Considering the submissions made by the learned Counsel for the applicant, averments made

in Civil Application and in view of earlier order passed by this court on 26.08.2015 in Civil Application No. 1910 of 2015, I am satisfied that applicant has made out the case for allowing the civil application.

6 Hence, following order:

- a) Civil application is allowed.
- b) Applicants are allowed to withdraw 50% amount by giving an undertaking to the satisfaction of the Reference Court and remaining 50% of the amount to be withdrawn on furnishing solvent security to the satisfaction of the Reference Court.
- c) Amount to be withdrawn within 12 weeks from today.
- d) If amount is not withdrawn within stipulated time as stated herein above, the Reference Court is directed to invest the entire amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.
- e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)