

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

CIVIL APPLICATION (CAF) NO.3009 OF 2016
AND
CIVIL APPLICATION (CAF) NO.3010 OF 2016
IN
FIRST APPEAL NO.316 OF 2013

(EXECUTIVE ENGINEER, LOWER WARDHA.....VS..SMT. MANGALABAI AJITRAO DESHMUKH & 4
OTH.)

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

Court's or Judge's orders

Shri V.G.Palshikar, Advocate for Applicant/ Appellant.
Shri G.G.Bade, Advocate for Respondent Nos.1 to 3.
Ms S.Z.Haider, A.G.P. for Respondent Nos.4 & 5.

CORAM : Z.A.HAQ, J.
DATED : AUGUST 30, 2016.

By the order dated 3rd February, 2014 the respondent Nos. 1 to 3 are permitted to withdraw 50% of the amount deposited by the appellant on furnishing undertaking and to withdraw the balance 50% amount on furnishing bank guarantee. As the respondent Nos. 1 to 3 could not arrange to furnish the bank guarantee for withdrawal of 50% of the amount, Civil Application No. 1374 of 2016 was filed by them and this Court passed an order on 13th April, 2016 on it permitting the respondent Nos. 1 to 3 to withdraw 25% of the amount on furnishing bank guarantee. The respondent Nos. 1 to 3 filed Civil Application No. 2153 of 2016 praying that they be permitted to furnish fresh bank guarantee. On this application an order is passed on 19th July, 2016 permitting the respondent Nos. 1 to 3 to withdraw the bank guarantee furnished by them earlier.

Now, the respondent Nos. 1 to 3 have filed this Civil Application No.3009 of 2016 praying that the Registry be directed to return the bank guarantee dated 3rd April, 2014 to enable them to furnish fresh bank guarantee.

Bank of India has filed Civil Application No.3010 of 2016 seeking permission to intervene in the matter to assist the Court in the matter of withdrawal of bank guarantee furnished by the respondent Nos. 1 to 3 earlier.

The learned advocate for the respondent Nos. 1 to 3 and the learned advocate for the appellant state that the bank guarantee furnished by the respondent Nos. 1 to 3 earlier is not accepted and it has lapsed. A categorical statement is made by the learned advocate that the respondent Nos. 1 to 3 have not withdrawn the amount.

Office to verify and if the respondent Nos. 1 to 3 are not given balance 50% amount, which was required to be given after the respondent Nos.1 to 3 furnished bank guarantee, the bank guarantee dated 3rd April, 2014 furnished by the respondent Nos. 1 to 3 be returned. The balance amount of 50% shall not be disbursed to the respondent Nos. 1 to 3 until further orders of this Court.

The civil applications are disposed in the above terms.

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : R.B. Raut, PS

Uploaded on : 31/08/2016.