

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

CIVIL APPLICATION (CAF) NO.3317 OF 2016

IN

FIRST APPEAL NO.188 OF 2016

(General Manager, Central Railway, through Deputy Chief Engineer, Nagpur ..vs.. Shri Vasant s/o
Kisan Tembhe and others)

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

Court's or Judge's orders

Shri Z.S. Shekhani, Advocate h/f. Shri R.G. Agrawal, Advocate for the
appellant,
Shri C.R. Najbile, Advocate for the respondent Nos.1 and 2,
Mrs. A.R. Kulkarni, AGP for the respondent No.3.

CORAM : Z.A. HAQ, J.

DATED : 14-10-2016

The learned Advocates for the respective parties submit that in connected First Appeal No.3161/2014 this Court has permitted the claimant to withdraw 50% amount on furnishing undertaking and to withdraw balance 50% amount on furnishing solvent surety/security.

Considering the above order and the facts of the present case, the respondent Nos.1 and 2/claimants are permitted to withdraw 50% amount on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court and the remaining 50% amount be given to the respondent Nos.1 and 2/claimants on furnishing undertaking to the learned Registrar (Judicial) of this Court stating that if it is found

that the claimants are not entitled for the amount withdrawn by them, they will redeposit the amount with the registry of this Court alongwith interest as may be determined, within two months. The amount be transmitted in the joint account of the respondent Nos.1 and 2/claimants after both the claimants furnishes surety/ security and undertaking as above.

The civil application is allowed accordingly.

JUDGE

adgokar

CERTIFICATE

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

Uploaded by : P.M. Adgokar.

Uploaded on : 15-10-2016.

P.A. to Hon'ble Judge.