

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

Civil Application [CAF] No.3324 of 2016
in
First Appeal No.587 of 2016

(Vidarbha Irrigation Development Corporation
vs.
Tulsabai Krushnarao Nistane and others)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri S.D. Chopde, Advocate for the Applicants/Res. Nos.2 to 4.
Shri V.G. Palshikar, Advocate for the Non-Applicant/Appellant.
Shri N.R. Rode, A.G.P. for Non-Applicant/Res. Nos.6 and 7.

CORAM : S.B. SHUKRE, J.
DATE : 25th NOVEMBER, 2016.

Heard the learned Counsel for the appellant,
learned Counsel for respondent Nos.2 to 4 and the learned
A.G.P. for respondent Nos.6 and 7. None appears for
respondent No.5.

Respondent Nos.2 to 4 have filed this application
seeking permission to withdraw the amount deposited by the
appellant in this Court. Respondent No.5 is also a person
having interest in the claim. He has, however, not staked any
claim for withdrawal of the decretal amount. He is absent,
though duly served.

In such a situation and also taking into
consideration the grounds of appeal, I am of the view that
interest of justice will be served if respondent Nos.2 to 4 are

permitted to withdraw an amount of Rs.29.00 Lakhs subject to their furnishing an undertaking to the Court that in case of any adverse order being passed, they shall refund the amount together with accrued interest thereon within four weeks from the date of that order and accordingly they are granted the permission in these terms. An undertaking to be furnished within two weeks from the date of this order.

The application is allowed and disposed of accordingly.

**sdw*

JUDGE