

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

**CIVIL APPLICATION NO.3232 OF 2012
IN
L.P.A.No.05 of 2009
IN
WRIT PETITION NO.7462 OF 2007.**

Mr.Nareshkumar S/o GopalDas
Vohara and another. ... Applicants.

Versus

Jitendra S.Munot
and another. ... Respondents.

...

Mr.R.F.Totala, advocate for Applicants.
Mr.Y.R.Marlapalle, advocate for Respondents.

...

**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL,JJ.**

Date : 29.09.2017.

PER COURT :

1. Under the present application, the applicants seek withdrawal of Rs.7,00,000/- (Rupees seven lac) deposited by the appellants. The said amount is claimed by the present

applicants by way of gratuity.

2. Mr.Marlapalle, learned counsel for the non-applicants/original appellants opposes the request made for withdrawal of the said amount and submits that in case the appeal is allowed then it will not be possible to recover the said amount from the applicants. Keeping the amount idle would be in nobody's interest. To safeguard the interest of the non-applicants, security can be directed to be given by the present applicants.

3. The applicants are allowed to withdraw Rs.7,00,000/- (Rupees seven lac) [along with accrued interest, if any] as is determined by the judgment under appeal on furnishing solvent security of the like amount.

4. The Civil Application is disposed of.
No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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