

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CIVIL APPLICATION NO. 9043 OF 2017
IN FA/169/2011

LAXMAN KISAN ACHARYA AND ORS
VERSUS
THE JUNIOR ENGINEER O AND M KOPARA M S E D C L BEED AND
ORS

...
Advocate for Applicants : Mr. Gaikwad T.G. (absent)
Advocate for Respondents 1 to 3: Mr. A.M. Gaikwad
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CORAM : V. K. JADHAV, J.
DATED : 7th JULY, 2017

PER COURT:-

1. None present for the applicants. Learned counsel appearing for the respondents submits that though the amount is lying in this Court, the lower appellate court has disposed of the pending appeal with certain modifications in the decree under challenge and as such, it would be proper if the amount lying in this Court is transferred to the lower appellate court for disbursement in terms of modified decree. Learned counsel, on instructions, submits that the respondents have decided not to prefer second appeal against the judgment and decree passed by the lower appellate court.

2. In view of above, the amount deposited in this Court, in then first appeal No. 169 of 2011, shall be transferred to the District Court, Ambejogai and the learned District Judge shall pass appropriate order in respect of withdrawal of the said amount in terms of modified decree. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)