

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 8 OF 2017
IN
FIRST APPEAL NO. 2298 OF 2005

Shri. Rajendra A. Kagwade	.. Applicant
In the matter of	
Gopal D. Raut	.. Appellant.
Vs.	
Rajendra A. Kagwade	.. Respondent.

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. T.S. Ingale for the Applicant - Rajendra A. Kagwade.
Mr. Suresh P. Patil i/b. Nutan S. Moily for the Appellant-
Gopal D. Raut.

CORAM : M. S. SONAK, J.
DATE : 16 JANUARY 2017.

P.C. :-

1] Heard Mr. Ingale, learned counsel for the applicant - Mr. Rajendra A. Kagwade and Mr. Suresh Patil for the appellant – Gopal D. Raut.

2] Mr. Patil submits that the advocate who is going to argue this matter is not well and therefore requests for adjournment. Upon offer to place this matter tomorrow, Mr. Patil states that it will not be possible to proceed with the matter tomorrow.

3] In this case, the appeal was instituted in the year 2005. The record indicates that the appeal has been dismissed for default at least on '2' occasions and thereafter

restored. In this civil application, the applicant-claimant has pointed out that the appellant - Gopal has delayed the matter of service despite grant of opportunities by this court. As a result of delay, even though, there was award in favour of the applicant-Rajendra, the applicant-Rajendra has received no amounts since the year 2005. Mr. Ingale points out that despite orders, the entire awarded amount has not been deposited. Mr. Ingale points out that the applicant-Rajendra has been permanently disabled on account of the accident and is in dire need of the amount, which has been deposited in this court.

4] Accordingly, the civil application is allowed in terms of prayer clause (a). The amount of Rs.25,000/- deposited in this court shall be transmitted by the Registrar to the MACT, Sangli within a period of two weeks from today. The applicant-Rajendra shall be entitled to withdraw this amount of Rs.25,000/- as also further amounts as may have been deposited by the appellant-Gopal before the MACT unconditionally. However, it is clarified that this amount shall abide by the final orders that may be made in the appeal.

5] It is clarified that the applicant-Rajendra is permitted to withdraw the amounts deposited alongwith interest which may have accrued thereon. Similarly, the Registrar to transmit Rs.25,000/- alongwith interest that may have accrued thereon.

(M. S. SONAK, J.)