

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 1888 OF 2016
IN
SECOND APPEAL NO. 482 OF 2016**

Shri Subhash Ramchandra Sontakke	...Applicant
vs.	
Zilla Parishad Sindhudurg	...Respondent

Mr. Anand S. Patil for Applicant.
Ms. Anjali Helekar I/b. Neel Helekar for Respondent

**CORAM : S.C. GUPTE, J.
24 MARCH 2017**

P.C.:

Heard learned Counsel for the parties.

2 This civil application seeks an order for withdrawal of monies deposited by the Respondent in this court as a condition for obtaining stay of the impugned judgment and decree. The impugned judgment and decree is a money decree. The Respondent was permitted to withdraw the amount deposited after making a suitable application to this court. The present application is for the purpose of seeking such withdrawal. On the last occasion, this court inquired of the Applicant (original Respondent) as to what solvent security he was proposing to offer. Learned Counsel for the Applicant offered to respond by the next date.

3 Learned Counsel for the Applicant now submits that he shall offer a bank guarantee of Shri Mahalaxmi Co-operative Bank in Kolhapur. It is submitted that this is a reputed bank and has branches at a number of places in the State, including Mumbai.

4 Office shall permit the Applicant to withdraw the amount deposited by the Respondent with accrued interest, if any, against the Applicant submitting a bank guarantee of Shri Mahalaxmi Co-operative Bank to the satisfaction of the office.

5 The civil application is disposed of accordingly.

6 As and when the Applicant submits a bank guarantee for withdrawal of the amount, the office shall cause a notice to be given, and also furnish a copy of the bank guarantee, to the Respondent before releasing the amount.

(S.C. GUPTE, J.)