

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

C.A.F. No. 3492/2017 IN FIRST APPEAL No. 872/2017

(DIVISIONAL CONTROLLER MSRTC, DIVISION OFFICE, DISTT. AKOLA -vs- SAYYAD KADIR
SAYYAD SOFIEE AND OTHERS)

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

Court's or Judge's Orders.

None present for appellant.
Shri P.R. Agrawal, counsel for respondent no.1.
Shri A.M. Sudame, counsel for respondent no.2.

CORAM: S.B. SHUKRE, J.

DATE : SEPTEMBER 29, 2017.

Heard learned counsel for the claimant/respondent no.1 and Shri Sudame, learned counsel for the respondent no.2. None appears for the appellant.

Leave to amend the application is granted.

Considering the reasons stated in the impugned award and ground of appeal, I am of the view that this application can be conditionally allowed and it is allowed accordingly.

Respondent no.1 is permitted to withdraw 50% of the amount deposited in this Court, on his furnishing usual undertaking to the effect that in case any adverse order including refund of the amount withdrawn with interest is passed, he shall abide by the

same and is also permitted to withdraw remaining 50% of the amount deposited in this Court, on his furnishing solvent surety, to the satisfaction of the learned Registrar, both to be furnished within 10 weeks from the date of the order.

Application is disposed of in above terms.

JUDGE

Yenurkar