

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.3666 OF 2017
IN FIRST APPEAL NO.815 OF 2017

(The Dy. Chief Engineer (Constr.), Central Railway vs. Arun Arvind s/o Ganpat and others)

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

Ms. S. Choube, Advocate h/f Shri N.P. Lambat, Advocate
for appellant.

Shri C.R. Najbile, Advocate for respondent no.1.

Shri S.J. Kadu, Assistant Government Pleader for
respondent nos.2 and 3.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 13, 2017

This application is filed by respondent no.1/
original claimant for permission to withdraw total
amount of Rs.8,48,039/- deposited by appellant towards
decretal amount.

Heard learned Counsel for the parties.

For the grounds mentioned in paras 2 and 3
of the application, case is made out by respondent no.1
for withdrawal of amount. However, instead of
allowing applicant to withdraw 75% of decretal amount,
since appellant has not seriously objected for withdrawal
of 50% of amount deposited, application is allowed to
that effect as per order below :

Applicant/respondent no.1 is allowed to
withdraw 50% of the amount of Rs.8,48,039/- on
furnishing usual undertaking to the satisfaction of

Registrar (Judicial).

The civil application is disposed of in the above terms.

FIRST APPEAL NO. 815 OF 2017

Heard learned Counsel for the parties.

Admit.

Shri Najbile, learned Counsel waives notice for respondent no.1. Shri Kadu, learned Assistant Government Pleader waives notice for respondent nos.2 and 3.

JUDGE

khj