

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

CIVIL APPLICATION [CAF] NO.4216 OF 2017
IN
FIRST APPEAL NO.627 OF 2013

(The State of Maharashtra, through Collector, Akola and another
vs.
Sheshkumar Keshavrao Tappe and another)

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

Court's or Judge's Orders

Shri S.C. Mehadia, Advocate for the Applicants-Respondents.
Mrs. Mrunal Naik, A.G.P. for the Appellants.

CORAM : P.N. DESHMUKH, J.
DATE : 27th NOVEMBER, 2017.

Heard.

This application is filed by the respondent-claimant nos.1 & 2 for withdrawal of entire decretal amount as has been awarded by the 2nd Joint Civil Judge Senior Division, Akola in L.A.R. No.98/2000 by judgment dated 27/04/2011 contending that this Court by its order dated 2nd September, 2013 had directed the appellants to deposit entire decretal amount on or before 29/10/2013 and on depositing the same, had granted stay to the effect and operation of the judgment and award.

The learned Counsel for the applicants submits that in compliance to this order, appellants have deposited an amount of Rs.7,46,946/- on

26/03/2014 and further amount is yet to be deposited. The learned A.G.P. makes a statement that remaining amount as per the award shall be deposited within further period of four weeks.

Record reveals that in pursuance to order dated 02/09/2013, this Court had directed to deposit entire decretal amount. The appellant had deposited Rs.7,46,946/- only. The decretal amount as per the award appears to be approximately to the extent of Rs.16,03,604/-.

In that view of the matter, application is liable to be allowed by allowing the applicant-respondent nos.1 and 2 to withdraw an amount of Rs.7,46,946/- with interest accrued thereon by furnishing usual undertaking with the Registrar (Judicial) of this Court.

The application is allowed in above terms.

Matter be listed on 18th December, 2017 for establishing compliance of payment of further amount.

JUDGE

**sdw*