

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 987 OF 2018 IN
FIRST APPEAL NO. 1624 OF 2012

Sharda Bhairu Dhingare
& others

Applicants

Versus

Kisan (Krishnaji) Keshavrao Deshpande
& another

Respondents

Mr. V.V. Ingole, advocate holding for Mr. M.B. Kolpe, advocate for applicants.

Mr. A.B. Kadethankar, advocate for respondent no. 1.

CORAM : M.S. SONAK, J.

DATE : 14th FEBRUARY, 2018

PER COURT:

1. Respondent no. 1 has filed reply to oppose the application for withdrawal. In the reply it is stated that there is no employer-employee relationship and therefore, if the amounts are permitted to be withdrawn, it is likely that the same will never be recovered, even if the appeal is ultimately allowed.

2. Taking into consideration this objection, ad-interim order by which, withdrawal was permitted to the extent of 50% is confirmed. This is not a fit case to permit withdrawal of any further amount.

3. Applicants are directed to file an undertaking in this Court that the withdrawal of 50% amount shall abide by further order

that may be made in the appeal. Undertaking be filed within four weeks from today. Copy of such undertaking be furnished to the learned counsel for appellants.

4. Civil application is accordingly disposed of in aforesaid terms.

(M.S. SONAK, J.)

dyb