

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.1049/2018

IN

FIRST APPEAL NO.1077/2015

Govindraaj Madhavrao Chitral & another.
...Applicants..

Versus

The Executive Engineer,
Minor Irrigation Division, Jalna,
& two others.

...Respondents...

.....

Shri P.A. Bhosale, Advocate h/f Shri A.B. Kale, Advocate
for applicants.

Shri U.K. Patil, Advocate for respondent no.1.

Shri A.D. Namde, AGP for respondent no.2.

.....

CORAM: M.S. SONAK, J.

DATE: 30.01.2018

ORDER :

- 1] Heard learned counsel appearing for the parties.
- 2] The learned counsel for the applicants points out that in connected matters, 100% withdrawal is permitted.
- 3] In matters such as these, the orders for withdrawal cannot constitute precedents. The aspects like repayment capacity of the applicants has to be considered. If 100%

- 2 -

withdrawal is permitted and thereafter the appeal is allowed, it will become extremely difficult to recover such amount from the applicants. It is generally noticed that after 100% withdrawals are permitted, neither the claimants nor their Advocates take any interest in prosecution of the appeal.

4] For the aforesaid reasons, the civil application is disposed of by permitting the applicants to withdraw only 50% of the deposited amount by filing an undertaking that such withdrawal will abide by the final orders in the appeal.

(M.S. SONAK, J.)