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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.13967 OF 2018
IN
WRIT PETITION NO.1848 OF 2017**

Dr. B.G. Nirwal,
The Secretary, Sanjivani Education Society
Vivekanand English School Campus,
Parbhani

..APPLICANT

VERSUS

Abasaheb Eknath Solanke & ors.

..RESPONDENTS

Mr V.A. Bagdiya, Advocate for applicant;
Dr. Swapnil Tawshikar, Advocate for respondent no.1;
Mrs Geeta Deshpande , A.G.P. for respondents no.2 & 3;
Mr V.S. Kadam, Advocate for respondent no.4

**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.**

DATE : 26th November, 2018

ORAL ORDER:

Heard Mr Bagdiya, learned Counsel appearing on behalf of the applicant.

2. Our attention was invited to the order of this Court dated 10th September, 2018 and the order of the Honourable the Apex Court, dated 2nd November, 2018. Mr Bagdiya then submits that though there is some delay in depositing the amount, the delay was for unintentional and bona fide

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reasons, namely, the vacation to the Court as well as certain bank holidays. Mr Bagdiya submits that the applicant is ready to deposit the amount by way of a Demand Draft dated 16th November, 2018, drawn in the name of the Registrar of this Court and if the applicant is permitted, immediately during the course of the day the Demand Draft would be submitted in the office.

3. Learned A.G.P. appearing on behalf of respondents no.2 & 3, Mr Kadam, learned Counsel appearing on behalf of respondent no.4. Learned Counsel appearing on behalf of respondent no.1 submits that respondent no.1 be permitted to withdraw the amount deposited by the applicant without prejudice to the rights and contentions of respondent no.1.

4. In view of aforesaid facts, the application is allowed in terms of prayer clause (B). Respondent no.1 is permitted to withdraw the amount deposited by the applicant subject to filing an undertaking in this Court that this withdrawal is subject to final outcome of the petition. The said undertaking be filed within two weeks from today.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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