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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3448 OF 2017
IN
FIRST APPEAL NO.1254 OF 2015**

M/s C.R. Constructions and ors ... Applicants.

In the matter between

Maharashtra Jeevan Pradhikaran .. Appellants.
V/s.

M/s C.R. Constructions and ors Respondents

Ms. Prabha Badadare, i/by P.R. Arjunwadkar, for the
applicant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 16th OCTOBER, 2018.

P.C. :

1] Heard learned counsel for the applicant and appellant.

2] It is submitted by learned counsel for the applicant that as per order passed by this Court on 28.7.2016, the appellant was directed to deposit decretal amount in the trial Court. Accordingly the amount was deposited in the trial Court.

3] In view of the said order passed by this Court, leaving open for the respondent to file application for withdrawal of the amount which would be considered on its own merits and in accordance with law, the applicant has filed application before the

trial Court. However, the trial Court rejected the said application only on the ground that it is not specifically stated in the said order, as to before which court, application for withdrawal of the amount is to be filed

4] In view thereof, it is clarified that as the amount is deposited in the executing Court, the executing Court is directed to decide the application for withdrawal of the amount filed by the applicant on its own merits.

5] This application is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]