

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

CIVIL APPLICATION (CAF) NO.427 OF 2018

IN

FIRST APPEAL NO. 20 OF 2013

(MAH. STATE ELECTRICITY DISTRIBUTION CO.LTD....VS.. KANCHAN VASANTRAO KOTWAL &
ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.V.Purohit, Advocate for Appellant-MSEDCL
Shri S.K.Kotwal, Advocate for applicant/ Respondent No.1.

CORAM : Z.A.HAQ, J.

DATED : APRIL 06, 2018.

By this application, the respondent No.1 seeks permission to withdraw the amount deposited by the appellant with the Registry of this Court as per the order passed by this Court earlier.

By order passed on 6th March, 2013 this Court permitted the respondent to withdraw 50% out of the amount deposited by the appellant on furnishing undertaking and also solvent surety to the satisfaction of the Registrar (Judicial) of this Court. The respondent had filed Civil Application No. 699 of 2013 praying for modification of the order dated 6th March, 2013 pointing out his inability to furnish solvent surety as directed by this Court.

After hearing the parties, this Court passed an order on 3rd May, 2013 permitting the respondent to withdraw the amount of Rs.3.5 lakhs on furnishing undertaking. The respondent has withdrawn Rs.3.5 lakhs. Now, the respondent seeks permission to withdraw the balance amount.

The learned advocate for the appellant has submitted that the respondent can be permitted to withdraw 50% of the amount after deducting Rs.3.5 lakhs which the respondent has withdrawn, as per the order passed by this Court on 6th March, 2013.

In the facts of the case, the respondent is permitted to withdraw 50% amount lying in deposit with the Registry of this Court on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court and also filing undertaking as per the order passed by this Court on 6th March, 2013.

The civil application is **allowed** accordingly. No costs.

JUDGE

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