

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

CIVIL APPLICATION (CAF) NO.1545/2018 IN FA NO.198/2016
The Executive Engineer, Lower Wardha Project Division, Wardha

..VS..

Sahebrao Gulabrao Khonde and ors

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

Court's or Judge's Order

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Shri P.B. Patil, Counsel for the applicant/appellant.
Shri C.R. Najbille, Counsel for non-applicant No.1/respondent No.1.
Shri S.D. Sirpurkar, A.G.P. for non-applicant Nos.2 and
3/respondents.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 8, 2018.

1. This is an application moved on behalf of the applicant/appellant for permission to deposit the amount.
2. Learned counsel Shri P.B. Patil for the applicant/appellant submits that on 22.3.2016 this Court has directed the applicant/appellant to deposit 50% of the decretal amount before this Court. Accordingly, the amount is deposited. However, learned counsel submits that subsequent to the said deposit, it was found by the Authorities that less amount is deposited and now the applicant/appellant wishes to deposit deficit amount of Rs.22,99,569/- before this Court.
3. For the reasons stated therein, the application is allowed. The applicant/appellant is permitted to deposit deficit amount of Rs.22,99,569/- before this Court within a period of 10 days from today.

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4. Learned counsel Shri C.R. Najbille for non-applicant No.1/respondent No.1 (claimant) submits that vide order dated 23.11.2016 this Court has already permitted the claimant to withdraw the amount.

5. Since the amount which is to be deposited by the applicant/appellant is towards the deficit amount, prayer made by learned counsel Shri Najbille for the claimant is just and in consonance with order passed by this Court on 23.11.2016.

6. After deposit of the amount by the applicant/appellant, the claimant will be entitled to withdraw the said amount on furnishing an undertaking as well as giving solvent surety to the satisfaction of the Registrar (J.) of this Court within a period of 8 weeks from today.

7. The civil application stands disposed of accordingly.

8. In view of the order passed in the present application, no orders are necessary on Civil Application No.1799/2018 and the said application stands disposed of accordingly.

JUDGE

!! BRW !!

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