

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

**CIVIL APPLICATION NO.2263/2018 IN**  
**FIRST APPEAL NO.778/2018**

Executive Engineer, Medium Project Division, Nagpur Division, Nagpur ..vs..  
Dinkarrao Champatrao Thape (deceased) through his LRs. Pramod Dinkar  
Thape and others.

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

Court's or Judge's orders.

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Mr. N. M. Gaidhane, Advocate for appellant.  
Mr. A. K. Sorde, Advocate for non applicant no.1-  
applicant.  
Mr. S. D. Sirpurkar, A.G.P. for non applicant nos.2 and 3.

**CORAM : V.M. DESHPANDE, J.**  
**DATED : AUGUST 6, 2018**

1. This is an application for permission to withdraw the decretal amount deposited by the appellant-Executive Engineer, Medium Project Division, Nagpur. By order dated 08.09.2017, this Court granted ad interim stay to the execution of the impugned award, on the appellant depositing entire decretal amount within a period of 12 weeks.

2. Mr. Gaidhane, learned counsel for the appellant submits that as per the order, the entire amount is already deposited before this Court. The appeal is already admitted.

3. The present application is filed for withdrawal of the amount. Heard Mr. Sorde, learned counsel for the original claimant, who has filed the present application and Mr. Sirpurkar, learned A.G.P. for non applicant-State. Mr. Gaidhane submits that he has no objection for grant of permission to the claimant for withdrawal of the amount. Hence, following order is passed.

### **ORDER**

- (i) Civil Application No.2263/2018 is allowed.
- (ii) Applicant-Pramod Dinkar Thape is permitted to withdraw 50% amount along with interest accrued thereon, deposited by the appellant on furnishing usual undertaking. The remaining 50% amount is permitted to be withdrawn by him by giving the solvent surety to the satisfaction of the Registrar (Judicial). This exercise shall be done by the claimant within a period of six weeks from today. On fulfilling such exercise, he is permitted to withdraw the amount.

The application is disposed of accordingly.

**JUDGE**