

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

CAF NO.2105/2018 IN FIRST APPEAL NO.676/2018

[Executive Engineer, Bembla Project Division, Yavatmal .vs. Vasant M. Zade 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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Shri J.B. Kasat, Advocate for appellant,
Shri A.B. Nakshane, Advocate for respondent no.1,
Mrs. A.R. Kulkarni, AGP for respondent nos.2 and 3.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 16, 2018.

Heard.

This is an application filed by the respondent no.1-claimant for permission to withdraw the amount of Rs.21,25,914/-.

Shri Kasat, the learned counsel for appellant has opposed for the said prayer.

Having considered the grounds of appeal and the impugned judgment passed by the reference court, I am of the view that the amount deposited in this court can be allowed to be withdrawn conditionally.

The permission is granted to the respondent no.1-claimant to withdraw the amount deposited in this court subject to the condition that 75% of the amount deposited on furnishing an undertaking in this court that in the event of appeal is decided against him he would refund the amount along with such interest as may be determined by this court within a period of two months from the date of the order passed by this court. The remaining 25% of the amount be permitted to be withdrawn on his furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

It is noticed that in the connected matter bearing First Appeal No.688/2017 the similar order has been passed by this court.

The Civil Application is allowed and disposed of accordingly with no order as to costs.

JUDGE

Gulande