

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 2097/2018 IN FIRST APPEAL NO. 240/2009
 (Z.P. AMRAVATI & ANOTHER **VERSUS** SANJEEV TIKAMDAS VAISHNAO)

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

Court's or Judge's orders

 Shri S.S. Bhalerao, counsel for the applicant/respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : JULY 11, 2018.

By this application, it is prayed that order dated 15.04.2015 be modified and the applicant be permitted to withdraw the balance 50% amount without furnishing any solvent surety.

In the application, it is stated that the original appellants had moved an application before the District Court at Achalpur praying that the delay in seeking restoration of the said appeal be condoned. That application has been dismissed on 19.12.2015. It is therefore submitted that the balance amount be permitted to be withdrawn by the applicant.

Perused the order dated 15.04.2015. Considering the fact that the application moved by the original appellants stands dismissed on 19.12.2015, there is no reason to call upon the applicant to furnish solvent surety for withdrawing the balance decretal amount.

Accordingly, the order dated 15.04.2015 is modified. The applicant is permitted to withdraw the balance amount lying in deposit subject to filing an undertaking that in case further orders are passed in the proceedings initiated by the original appellants, that amount shall be repaid with interest at such rate, the Court may direct.

The civil application stands disposed of in the aforesaid terms.

JUDGE

APTE