

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

CIVIL APPLICATION (CAF) NO.2232/2018 IN FA NO.23/2008
Union of India, thr. the General Manager, Central Railway, Mumbai CST

..VS..

Unita wd/o Pradip Meshram and ors

Unita wd/o Pradip Meshram and ors : Applicants/Respondent Nos.1 to 3

.....
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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Ms M.H. Pathade, Counsel for applicants/respondent Nos.1 to 3.
Shri N.P. Lambat, Counsel for the appellant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2018.

1. By this application, applicants/respondent Nos.1 to 3 are praying for withdrawal of the balance decretal amount deposited before this Court by the appellant/Union of India.
2. Heard learned counsel Ms M.H. Pathade for applicants/respondent Nos.1 to 3/claimants and learned counsel Shri N.P. Lambat for the appellant.
3. As per the directions given by this Court, the appellant has already deposited decretal amount on 23.2.2010. The claimants moved an application for withdrawal of the amount. On 28.9.2010, the Court passed order thereby permitting the claimants to withdraw Rs.1.00 lac without furnishing any solvent surety/security. In pursuance to the same, the amount was withdrawn.

4. In the year 2018, another application i.e. Civil Application (CAF) No.1155/2018 for the very same purpose was moved. On 24.4.2018, after considering statement made before the Court, the Court did not permit the claimants to withdraw the amount. Instead, the Court directed the interest accrued on the deposited amount from 1.4.2018 shall be given to respondent No.1-Unita wd/o Pradip Meshram after every quarter. With these observations, the aforesaid application was disposed of.

5. By the present application, the claimants want to withdraw the remaining amount. The first appeal is of the year 2008, The paper-book is already filed on record. This Court is also taking appeals of the years 2006 and 2008. Therefore, in the light of order dated 24.4.2018, I am of the view that instead of allowing this application, arrangement made by this Court on 24.4.2018 to continue and the Registry is directed to place the appeal for its final hearing as per its seniority.

6. With this, the civil application stands disposed of accordingly.

JUDGE

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