

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO.1416 OF 2019
IN SA/193/2006

VASANT FAKIRAO DAHALE AND OTHERS

VERSUS

GANGADHAR WAMANRAO DAHALE AND OTHERS

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Advocate for Applicants : Mr. Karpe Rahul R.

Advocate for Respondents No.1 : Mr. V. Y. Patil.

Advocate for Respondents Mp/2N. 2C. 3A. 3N. 4 to 7 : Mr. S. V. Munde.

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CORAM : SMT.VIBHA KANKANWADI, J.

DATE : 07-02-2019.

PER COURT :

1. Present application has been filed for withdrawal of the amount which has been deposited by the present respondent in view of the order passed by this Court on 29-01-2008.

2. It appears that, while granting stay to the execution of the Judgment and decree passed by the Courts below, a condition was imposed on the present respondent – original appellant that, they should go on depositing amount of Rs.25,000/- every year before the end of March. The first of such installment was for the year 2008 and since then the appellant was supposed to deposit the said amount. According to the present applicants, they have withdrawn certain

amount, however as on today the further accumulated amount is with this Court, and therefore they are praying that the said amount be withdrawn.

3. Heard both sides. Learned advocate for the respondents submitted that, the withdrawal may be permitted subject to the outcome of the appeal.

4. Taking into consideration the fact that, this Court had passed the conditional that order and the condition is being observed by the appellant and in the past also the present applicant allowed to withdraw the amount, now also there is no hurdle in permitting the applicants to withdraw the amount. Naturally the said withdrawals are subject to the outcome of the appeal. Hence, the application is allowed. The entire amount up till now deposited by respondent No.1, together with interest approved thereon, is allowed to be withdrawn by the applicants subject to the outcome of the appeal. Application stands disposed of accordingly.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.