

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

954 CIVIL APPLICATION NO.11531 OF 2019
IN SA/425/2008

ACHYUT DEVIDASRAO THETE
VERSUS
RAMRAO DEVIDASRAO THETE AND OTHERS

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Advocate for Applicant : Mr.D.A.Madke,
Advocate holding for Mr.S.Y.Mahajan.
Advocate for Respondent no.1 : Mr.Amol Joshi,
Advocate holding for Mr.R.S.Deshmukh.

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CORAM : V.L.ACHLIYA, J.
DATE : 27.09.2019

PER COURT:

1] The applicant has moved this Application seeking permission to withdraw amount of Rs.30,000/- deposited by respondent no.1 in terms of order dated 3rd November, 2009 passed in Civil Application No.6455/2008.

2] Heard learned counsel for the applicant - respondent and advocate representing the respondent no.1 - original appellant.

3] Learned counsel for the appellant submits that permission may be granted subject to furnishing surety and without prejudice to the rights and contentions of the respondent.

4] Considering the overall facts of the case and earlier order dated 23rd September, 2013 passed in Civil Application seeking withdrawal of the amount, I am of the view that the request deserves consideration. The applicant is permitted to withdraw the amount of Rs.30,000/- subject to furnishing undertaking to the satisfaction of the Registrar [Judicial] that in the event the appellant succeed and the respondent is required to return the amount as withdrawn, the same shall be deposited within eight weeks from the date of order.

5] Civil Application is disposed of in above terms.

6] Appeal be included in the list of final hearing matters as per chronology.

[V.L.ACHLIYA]
JUDGE