

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2865/2019
in
First Appeal No.494/2013

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. A. B. Tajane for the Applicant
Mr. C. M. Lokesh for Appellant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 6, 2019

P.C.

1 Heard. By this Civil Application the Applicant is seeking permission to withdraw the amount deposited by the Appellant to satisfy the judgment and award dated 25.03.2011 passed by the MACT Solapur in MACP No.308/2007.

2 The learned counsel for the Applicant submits that earlier the Applicant had made Civil Application No.3754/2016 for withdrawal of the amount which was allowed by this court by order dated 24.08.2016 permitting to withdraw 50% without furnishing any security but on usual undertaking with liberty to file fresh application for

withdrawal of the amount, if needed. Therefore, the Applicant has filed the present application.

3 The learned counsel for the Applicant submits that Applicant No.1 is widow having 5 sons and a daughter. He submits that the Applicant No.7 is taking education. He submits that from time to time the Applicant raised loan for marriages of her sons and therefore it is very difficult for her to maintain herself and her family.

4 The learned counsel for the Applicant submits that he received instructions from his client that he is ready and willing to provide the bank guarantee of any Nationalised Bank for withdrawal of the amount with an undertaking that bank guarantee shall continue till hearing and final disposal of the First Appeal.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. The Applicants are permitted to withdraw the remaining amount from MACT Solapur by furnishing bank guarantee of any Nationalized Bank on or before 19.10.2019 with an undertaking that they shall continue the said bank guarantee till hearing and final disposal of the First Appeal.

b. The Civil Application stands disposed of accordingly.

c. No order as to costs.

(K.K.TATED, J.)