

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 2846/2018
in
First Appeal No. 943/2014

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Manoj A. Patil for the Applicant	

CORAM : K.K.TATED, J.
DATED : APRIL, 8, 2019

P.C.

Heard. By this Civil Application, the Applicant is seeking permission to withdraw sum of Rs.25,000/- deposited by them at the time of filing the First Appeal against the judgment and award dated 29.03.2012 passed by the MACT, Gadhinglaj in MACP No.13/2009.

2 The learned counsel for the Applicant submits that the matter is settled between the parties in Darkhast No.6/2012 by filing Consent Terms. In support of this contention, he relies on the Consent Terms dated 05.10.2016 (Exhibit-B page 8). He submits that thereafter the First Appeal and the Civil Application No.2486/2005 was

withdrawn by the Applicant by order dated 09.02.2017. He submits that at that time, it remained on their part to seek permission to withdraw the said sum of Rs.25,000/-.

3 Considering the submissions made by the learned counsel for the Applicant, the terms of settlement dated 05.10.2016 and as the First Appeal was withdrawn by order dated 09.02.2017, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, the following order is passed:

- a. Office to refund a sum of Rs.25,000/- to the Applicant deposited by them while filing the First Appeal, with accrued interest, if any, without any security.
- b. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)