

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***INTERIM APPLICATION NO.3 OF 2019
IN
FIRST APPEAL (ST.) NO.26671 OF 2019***

Rajaram Punja Raikar .. Applicant
Vs.
The Executive Engineer,
Nandur Madhyameshwar Project & Ors. .. Respondents

Ms.Pranita Hingmire for the applicant/orig. respondent no.1.
Ms.Chaitrali A. Deshmukh for the respondents/appellants.

***CORAM : R.D.DHANUKA, J.
DATE : 20th December 2019***

P.C.:

. Learned counsel for the applicant (original respondent no.1) seeks liberty to withdraw amount deposited by the appellants in Reference Court. The applicant (original claimant) is permitted to withdraw 50% of the amount deposited by the appellants with concerned Reference Court, at this stage, upon furnishing an undertaking before the Reference Court within four weeks from today to the effect that if he does not succeed in this first appeal, he would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. Copy of the undertaking shall be served upon the learned advocate appearing for the appellants within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

2. It is made clear that if the undertaking is not furnished within four weeks from today, the order passed by this Court allowing the applicant to withdraw 50% of the amount deposited by the appellants to stand vacated without further reference to the Court. In that event, the concerned Reference Court shall invest the said amount in a fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the first appeal.

3. The concerned Reference Court is directed to invest the balance 50% of the amount in a fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the first appeal.

4. Interim application is disposed of on aforesaid terms. Parties as well as the concerned Reference Court to act on the authenticated copy of this order.

R.D.DHANUKA, J.