

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.909/2019

IN

FIRST APPEAL NO.1191/2018

Executive Engineer (V.I.D.C.) Bembla Project Division, Yavatmal Tq. And Dist.
Yavatmal and another

...Versus...

Prabhavati w/o Chandrashekhar Thakre and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.A. Kadu, Counsel for appellants

Shri K.S. Narwade, Counsel for respondent nos.1 to 3, 4 (a) to 4 (c) and 5 & 6/applicants

Shri I.J. Damle, AGP for respondent nos.7 and 8

CORAM : ARUN D. UPADHYE, J.

DATE : 18/03/2019

Heard.

Perused the application. The applicants/
respondent nos.1 to 3, 4 (a) to 4 (c) and 5 & 6 are seeking
permission to withdraw the amount deposited by the
appellants in this Court.

The learned Counsel for the appellants, however,
submitted that at the most 75% of the amount deposited by
the appellants may be permitted to be withdrawn, upon filing
usual undertaking.

Considering the submissions of both sides and
after going through the contents of the application, I am of
the view that the applicants could be allowed to withdraw

75% of the amount deposited by the appellants in this Court. Hence, I proceed to pass the following order.

ORDER

- (i) The civil application is partly allowed.
- (ii) The applicants/respondent nos.1 to 3, 4 (a) to 4 (c) and 5 and 6 are permitted to withdraw 75% of the amount deposited by the appellants in this Court, upon furnishing usual undertaking to the satisfaction of the Registrar (Judicial) to the effect that the applicants/respondent nos.1 to 3, 4 (a) to 4 (c) and 5 and 6 will refund the amount in case the first appeal is allowed.
- (iii) Remaining 25% amount be kept in fixed deposit in any Nationalized Bank, till final disposal of the first appeal.

The civil application stands disposed of accordingly. No order as to costs.

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The appellants to file private paper-book within six months.

JUDGE