

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CIVIL APPLICATION (CAF) NO. 1300/2017 WITH
CIVIL APPLICATION (CAF) NO. 1301/2017 IN
FIRST APPEAL NO. 732/2016

Executive Engineer, Bembla Project Division, Yavatmal.

Vs.

Smt. Shobha Narayan Phopase 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 the applicant/appellant.
Shri R.D. Hajare, counsel for the non-applicant/respondent Nos. 1 to 5.
Ms Hemlata Jaipurkar, AGP for the non-applicant/respondent Nos. 6 and 7.

CORAM: ARUN D. UPADHYE, J.

DATE: 17-01-2019.

The applications are filed by respondent Nos.1 to 5 for withdrawal of amount. Learned counsel for the appellant has submitted that entire decretal amount has been deposited in this Court.

Heard Shri M.A. Kadu, learned counsel for the appellant, Shri R.D. Hajare, learned counsel for the respondent Nos.1 to 5 and Ms. H. Jaipurkar, learned AGP for the respondent Nos. 6 and 7.

Learned counsel for the respondent has submitted that the respondent Nos.1 to 5 may be permitted to withdraw the 75% amount by filing surety. The respondent Nos.1 to 5 further submitted that he may be permitted by filing usual undertaking of the said amount.

Considering the submission of the learned counsel for the respondent Nos.1 to 5, I am of the view that 75% amount could be permitted to be withdrawn by the respondent Nos.1 to 5 by filing usual undertaking.

Hence, I pass following order.

ORDER

i] Civil Application (CAF) Nos. 1300 and 1301/2017 is allowed.

ii] The respondent Nos 1 to 5 are permitted to withdraw 75% amount by filing usual undertaking, if already not withdrawn; and rest of the amount be kept in fixed deposit, till the disposal of the appeal.

JUDGE