

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

CIVIL APPLICATION (CAF) NO. 2029 OF 2019

IN

FIRST APPEAL NO.1148 OF 2016

(EXECUTIVE ENGINEER, YAVATMAL...VS.. SUKHADEO NARAYAN TARATE & OTH.)

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

Court's or Judge's orders

Ms I.P. Khisti, Advocate for Appellant-VIDC.
Shri D.G.Patil, Advocate for Respondent No.1.

CORAM : Z.A.HAQ AND
PUSHPA V. GANEDIWALA, JJ.

DATED : SEPTEMBER 18, 2019.

Heard.

This is an application for permission to withdraw the remaining entire deposited decretal amount along with accrued interest thereon. By order dated 24/10/2018 in Civil Application No. 1283 of 2018 this Court rejected the application on the ground that if the prayers made in such applications are granted, every claimant would approach this Court seeking same relief to withdraw the amount.

Thereafter second application of the appellant bearing C.A.F. No. 2434 of 2018 also came to be rejected by this Court by order dated 31/08/2018. The appellant had challenged this order before the Hon'ble Apex Court vide Petition for Special Leave to Appeal (C) Diary No. 1412 of 2019 and the Hon'ble Apex Court was pleased to grant liberty to the appellant to file application before this Court.

As such, the appellants have filed this application again before this Court. The reasons mentioned for withdrawal of the balance decretal amount is that he has purchased another land and incurred medical expenses for his daughter-in-law who is suffering from Cancer.

In such circumstances, we are inclined to allow the application, however, subject to furnishing undertaking for 30% of the balance decretal amount and the solvent surety for the remaining 20% of the decretal amount to the satisfaction of the Registrar (Judicial) of this Court.

The application stands **allowed** accordingly. No costs.

JUDGE

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