

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

Civil Application (CAF) No.3091/2019
in
First Appeal No.155/2017
The Executive Engineer, Bembla Project Division, Yavatmal
Vs.
Sunil Wankhede and others

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

Court's or Judge's orders

Mr. P.B. Patil, Advocate for appellant.
Mr. B.M. Lonare, AGP for respondents No.5 and 6.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 03, 2019

This is an application filed by the respondents No.1 to 4 (original claimants), seeking permission to withdraw the amount deposited by the appellant in this Court. Having perused the application and the impugned Judgment and order passed by the Reference Court, it appears that the applicants have been able to make out a case for conditional withdrawal of the amount deposited by the appellant in this Court. It is pointed out that in similar cases, this Court has permitted the claimants to withdraw 75% of the amount deposited in this Court by furnishing usual undertaking.

2. In view of the above, the present application is partly allowed.

3. The respondents No. 1 to 4 (claimants) are permitted to withdraw 75% of the amount deposited in this Court on furnishing usual undertaking within a period of 4 weeks from today. The balance amount shall be invested in a fixed deposit initially for a period of three years in a nationalized bank and renewed thereafter if necessary, during pendency of the appeal.

4. The application is disposed of.

JUDGE