

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

**CIVIL APPLICATION (CAS) NO.965/2019**

**IN**

**SECOND APPEAL ST. NO.9153/2017 (D) R.C. NO.736/2018 (D)**

**Link House Industries Ltd. through its Managing Director, Nagpur and another**

**...Versus...**

**Narayan s/o Sheshrao 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

Shri P.D. Meghe, Counsel for respondent no.4/applicant  
Shri S.A. Chaudhari, Counsel for respondent nos.1 and 2

**CORAM : VINAY JOSHI, J.**

**DATE : 05/12/2019**

This is an application filed by respondent no.4 – Arun Wankhede seeking withdrawal of amount. Initially Special Civil Suit No.975/1994 was filed by respondent nos.1 and 2 (Narayan and Ku. Bulu) for recovery of amount which was partially decreed.

Being dissatisfied with the partial decree, respondent nos.1 and 2 (Narayan and Ku. Bulu) filed Regular Civil Appeal No.406/2015. During pendency of appeal the appellants have deposited the decretal amount in the Court.

The regular civil appeal was allowed and money suit was fully decreed. Against the said judgment and order

though the original defendants filed second appeal along with application for condonation of delay, but the delay was not condoned, resulting into dismissal of second appeal.

Learned Counsel for respondent nos.1 and 2 submitted that respondent nos.1 and 2 have already withdrawn the amount of their share which was deposited by the original defendants in the Court. He further submitted that respondent no.4 has not withdrawn any amount. Hence, he has no objection for withdrawal of amount by respondent no.4.

There is no purpose in keeping the amount lying with the Court.

In view of that respondent no.4 is permitted to withdraw the remaining balance amount of Rs.4,10,147/- along with accrued interest.

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

**JUDGE**