

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

CIVIL APPLICATION (CAF) NO.367/2017
IN
FIRST APPEAL ST. NO.23581/2016

Prakash s/o Bajirao Patil
...Versus...
Smt. Nirmalabai wd/o Vasudev Khule 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 Atul Joshi, Counsel h/f Shri Atul Pande, Counsel for applicant
Shri Yogesh Gorle, Counsel for respondent nos.1 and 2

CORAM : ARUN D. UPADHYE, J.
DATE : 15/01/2019

Heard.

Perused the contents of the application. There is a
delay of 54 days caused in filing the first appeal.

For the reasons stated in the application, the
delay caused in filing the first appeal is condoned.

The civil application stands disposed of.

FIRST APPEAL ST. NO.23581/2016

Heard.

ADMIT.

Call for record and proceedings.

Learned Counsel Shri Yogesh Gorle waives service
of notice for the respondent nos.1 and 2.

CIVIL APPLICATION (CAF) NO.3758/2017

Heard.

Perused the application. The applicants/respondent nos.1 and 2 have prayed for withdrawal of an amount of Rs.2,00,000/- deposited by the appellant in this Court, as per the order passed by this Court.

For the reasons stated in the application and after hearing the learned Counsel for the parties, I am of the view that the applicants/respondent nos.1 and 2 could be permitted to withdraw an amount of Rs.2,00,000/- deposited by the appellant in this Court. Hence, I proceed to pass the following order.

ORDER

- (i) The civil application is allowed.
- (ii) The applicants/respondent nos.1 and 2 are permitted to withdraw an amount of Rs.2,00,000/- deposited in this Court, upon furnishing usual undertaking in this Court to the effect that they will refund the amount, if the first appeal is allowed.

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

JUDGE