

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

CIVIL APPLICATION (CAF) NO. 3972/2018 IN
FIRST APPEAL NO. 933/2018

Executive Engineer, Bembla Project Division, Yavatmal.

V/s

Chandrakant Jagpal Thakre and others.

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

Court's or Judge's orders.

Ms. A. Gupta, counsel h/f Shri P. Patil, counsel for the appellant.
Shri A.B. Nakshane, counsel for the applicant/respondent No.1.
Ms Geeta Tiwari, AGP for the respondent Nos. 2 and 3.

CORAM: ARUN D. UPADHYE, J.

DATE: 22-01-2019.

Heard.

Ms. A. Gupta counsel h/f Shri P. Patil, learned counsel for the appellant, Shri A.B. Nakshane, counsel for the applicant/ respondent No.1 and Ms Geeta Tiwari, learned AGP for the respondent Nos. 2 and 3.

Perused the application as well as impugned judgment and award under challenge. The learned counsel for the applicant/respondent No.1 has prayed that he be permitted to withdraw 75% amount on furnishing usual undertaking and remaining amount be deposited in fixed deposit that will serve the purpose of the appellant.

Learned counsel for the appellant, however, objected for the same and submitted that 75% amount may be permitted by furnishing security for 50% and by

furnishing usual undertaking for 50%.

Considering the submission of both sides and having gone through the material placed on record, 75% amount could be permitted by furnishing usual undertaking to that effect that the applicant/respondent No.1 would repay the amount, if the appeal is allowed.

Hence, I pass following order :-

ORDER

- 1] The application is partly allowed.
- 2] The applicant / respondent No.1 is permitted to withdraw 75% amount deposited by the appellant by filing usual undertaking to the effect that he will refund the amount to the appellant in case the appeal is allowed.

JUDGE