

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

CIVIL APPLICATION (CAF) NO.4028/2018

IN
FIRST APPEAL NO.1381/2018

Executive Engineer, Minor Irrigation Division, Pusad

...Versus...

Kamalabai Bapurao Tagalpalliwar (Dead) through L.Rs.
Mangaldas Bapurao Tagalpalliwar 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 R.C. Raibhandare, Counsel for appellant
Shri A.V. Band, Counsel for respondent nos.1A, 1B & 2
Shri S.D. Sirpurkar, AGP for respondent nos.3 and 4

CORAM : ARUN D. UPADHYE, J.

DATE : 10/01/2019

Heard the learned Counsel for the parties.

This is an application filed by the respondent nos.1A, 1B and 2 for withdrawal of amount deposited by the appellant in this Court.

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

ORDER

(i) The civil application is allowed.

(ii) The respondent nos.1A, 1B and 2 are allowed to withdraw 50% of the amount, deposited by the appellant in this Court upon furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court and remaining 50% amount upon filing usual undertaking before this Court that in the event the appeal is allowed, the respondents shall refund the amount to the appellant along with interest.

The civil application stands disposed of accordingly.

JUDGE