

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

**CIVIL APPLICATION NO.5444 OF 2020
IN SA/619/2019 WITH CA/14011/2019 IN SA/619/2019
WITH CA/14010/2019 IN SA/618/2019**

**AVINASH KRISHNAJI SHAHADE PROPRIETOR OF AVINASH ENGINEERING
VERSUS
SANJEEV PRECISION COMPONENT PVT. LTD. THR. ITS
CHAIRMAN/DIRECTOR AND ORS.**

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Advocate for applicant : Mr. S.V. Natu
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CORAM : MANGESH S. PATIL, J.

DATE : 03.11.2020

PER COURT :

Heard the learned advocate Mr. Natu for the applicant-plaintiff. The application has been filed for withdrawal of the amount deposited by the appellants-defendants pursuant to the order passed by this court on 14.01.2020.

2. Learned advocate Mr. Natu points out that the matter was specifically kept before vacation since the applicant-plaintiff runs a Small Scale Industry and is in need of money. The decretal amount is in respect of the material supplied. This Court having granted stay to the execution subject to the deposit of money, the applicant-plaintiff may be allowed to withdraw it subject to suitable conditions.

3. None is present for the appellants-defendants. No say has been filed to this Application as well. Since the amount deposited pursuant to

order of this Court as a condition precedent for grant of stay and execution of decree under Appeal, it would be appropriate to allow the applicant-plaintiff to withdraw the amount subject to usual conditions.

4. The Application is allowed. The applicant-plaintiff is allowed to withdraw the amount of Rs.10,00,000/-, Rs.5,00,000/- by furnishing usual undertaking regarding refund in case the Second Appeal is allowed and Rs.5,00,000/- by furnishing a bank guarantee.

(MANGESH S. PATIL, J.)

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