

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

CIVIL APPLICATION (CAF) NO. 1267 OF 2020

IN

FIRST APPEAL NO.74 OF 2015

Maharashtra Industrial Development Corporation, Amravati, through its Chief
Executive Officer

...Versus...

Deorao Ramkrushna Tirathkar Since dead through his L.Rs Ramesh Deorao Tirathkar
and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Sharad Thakre, Advocate, h/f Shri M.M. Agnihotri, Advocate for applicant
Shri R.J. Shinde, Advocate for non-applicant No.1-A to 1-D
Shri A.S. Fulzele, AGP for non-applicant Nos.5 &6

CORAM : S.M. MODAK, J.

DATE : 07/12/2020

This Court has already permitted the non-applicants to withdraw 50% of the decretal amount of Rs. 60,87,291/- deposited in the Court. However, when the question of compliance had arisen, non-applicants came to know that the amount is deposited before the Reference Court. Though, there is no prayer in the application, it was orally prayed. Hence the direction.

The Court of Civil Judge Senior Division, Amravati is directed to permit the non-applicant Nos. 1. Ramesh Deorao Tirathkar, 2. Prakash Deorao Tirathkar, 3. Suresh Deorao Tirathkar and 4. Mangala Deorao Tirathkar to withdraw 50% of 60,87,291/-, after compliance of the procedure.

The non-applicants are directed to file an undertaking to return the amount, if the appeal will go against them before the Reference Court.

The Reference Court is directed to transfer the amount as said above in equal proportion by transferring them to their bank account.

Stand over in third week of January 2021.

JUDGE