

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

928 CIVIL APPLICATION NO.4989 OF 2021
IN FA/2161/2019

NAMDEO MARUTI SHELKE AND ORS
VERSUS
BRIJESH SHRIRAM AHIRWAR AND OTHERS

...
Advocate for Applicants : Mr. Kendre N.D.
Mr.SG Chapalgaonkar, Adv. For R/3;
Mr.VC Patil, Adv.for Resp.No.4.

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 17th June, 2021.

PER COURT :-

1. Heard both sides.
2. Though earlier order for withdrawal of the amount was passed; yet it was noticed that wrongly the amount from one case has been deposited in another and, therefore, the earlier order was kept in abeyance. Now, after necessary correction has been made and the amounts are interchanged, present application has been filed.
3. The appeal appears to be challenging the quantum and negligence. Under such circumstance, partial withdrawal is permissible. The amount deposited in this case is Rs.5,18,461/-. Applicant No.1 and 2 are permitted to withdraw an amount of Rs. 1,50,000/- each.
4. The applicants shall file an undertaking within a

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period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

4. The Civil Application stands disposed of.

(SMT. VIBHA KANKANWADI)
JUDGE

BDV