

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

976 CIVIL APPLICATION NO.3581 OF 2021
IN FA/1656/2020 WITH CA/3583/2021 IN FA/1657/2020

RAMDAS SONU MOKALE (DIED) THR LRS SHANTABAI (DIED) LRS.
KASHINATH RAMDAS MOKALE AND OTHERS
VERSUS
BHARAT PETROLEUM CORPORATION LTD., A GOVT. OF INDIA COMPANY
THR ITS AUTHORIZED SIGNATORY AND OTHERS

...
Advocate for Applicants :Mr. A.B. Kale
Advocate for Respondent no. 1: Mr. A. P Bhandari
AGP for respondent no. 3 and 4 : Mr. P. M. Kulkarni
...

CORAM : ANIL S. KILOR, J.
DATE : 18-03-2021

ORDER :

1. These are applications for grant of permission to withdraw the amount deposited by the respondent no. 1 – Bharat Petroleum Corporation Limited.
2. Heard respective learned counsels for the parties.
3. Learned counsel for respondent no. 1 informs to this court that three Appeals are filed including present one which are connected and out of these, First Appeal No. 1809 of 2020 was listed before the Division Bench on 05-02-2021. Thereupon, the Division Bench allowed the Application for stay and, at the same time, permitted the claimants to

withdraw entire amount on condition of furnishing undertaking for 50% amount and remaining 50% amount on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.

4. In that view of the matter, learned counsel for respondent no. 1, is praying for permitting the claimants to withdraw the amount on the same condition as passed in aforesaid First Appeal.

5. Accordingly, the Applications are allowed. I deem it appropriate to allow the applicant – claimants to withdraw 50% of the amount deposited presently in this Court on condition of furnishing undertaking to the effect that in the event, the decision in first appeal/s goes adverse to their interest, they would pay back / re-deposit the amount in this Court being withdrawn under this order within a period of three months from the date of such decision. Rest of the amount deposited is allowed to the withdrawn by the applicants – claimants subject to furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.

6. Civil Applications are disposed of.

[ANIL S. KILOR]
JUDGE