

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2020 OF 2019
IN
FIRST APPEAL NO.1049 OF 2016

Kayyum Dadapir Ramdurga] Applicant

IN THE MATTER BETWEEN:

Shantaram Roopchand Patil and]
another.] Appellants

Vs.

Kayyum Dadapir Ramdurga] Respondent

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Dr. Uday Warunjikar i/b Arvind D. Aswani, for Applicant.

Mr. Shrikant D. Patil i/b Radhikesh Uttarwar, for Original Appellant.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 15th JANUARY, 2021.

P.C.

1. This is an application for withdrawal of an amount of Rs.3,50,000/- deposited by the respondent-original appellant in terms of an order passed by this Court on 20th May, 2016.

2. Though the learned Counsel for the respondent strongly opposed the prayer of withdrawal, I do not see any justification as to why prayer should not be granted in the light of the fact that

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the application for withdrawal came to be filed way back on 26th April, 2019. Moreover, it is not the case that entire amount of Award is being disbursed in favour of the claimants.

3. For the reasons stated, the application is allowed.

4. The claimant is allowed to withdraw the amount deposited by the respondent with accrued interest, if any, with an undertaking that in case, the respondent-original appellant succeeds, the applicant would refund the amount with interest which shall be determined finally at the time of decision of the appeal.

5. Application stands disposed of.

6. This order will be digitally signed by the Personal Assistant of this Court. All concerned shall act on production by fax or e-mail of a digitally signed copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]