

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7885 OF 2022
IN FIRST APPEAL NO. 2772 OF 2010

CHINTAMAN EKNATHRAO SHINDE (DIED) VANMALA
CHINTAMAN SHINDE AND OTHERS
VERSUS
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION
COMPANY LTD AMBAJOGAI

...
Advocate for Applicants : Mr. R.P. Bhumkar
Advocate for Respondent : Mr. P.B. Paithankar
....

CORAM : S.G. DIGE, J.
DATE : 5th August, 2022

ORDER :

- . Heard learned Counsel for applicants.
2. Learned Counsel for applicants submits that, respondent has filed First Appeal No.2772 of 2010 and has deposited 50% amount as decretal amount.
3. Learned Counsel further submits that, due to change of pecuniary jurisdiction matter was referred to the District Court at Ambajogai i.e. Regular Civil Appeal No. 109 of 2012, after considering the evidence the appeal is

dismissed on 25.01.2018. Applicant has filed execution proceeding i.e. Special Darkhast No.16 of 2017 which is pending when First Appeal was dismissed, applicant has filed application for withdrawal of amount with interest i.e. Rs.2,62,500/-. After hearing the parties the learned Court passed order but the amount is not transferred in execution petition i.e. lying with this Court. Hence, applicant be permitted to withdraw the amount.

4. Learned Counsel for applicants further submits that, applicant No.1-A Vanmala chintaman Shinde be permitted to withdraw the deposited amount as applicant No.1-B to 1-E have given consent for it.

5. Learned Counsel for respondent submits that, respondent has preferred second appeal before this Court but yet it is not listed. Hence, requested to reject the application.

6. I have heard both the learned Counsel. The appeal

filed by the respondent is dismissed by the learned Trial Court. The matter is of year 2011. The applicants needs amount for their day to day expenses and medical treatment. Hence, I pass the following order :-

ORDER

- (a) Application is allowed in terms of prayer clause 'B'.
- (b) Applicant No.1-A is permitted to withdraw entire amount on furnishing usual undertaking.
- (c) The Civil Application is disposed of.

[S.G. DIGE, J.]