

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

**CIVIL APPLICATION NO.10735 OF 2022
IN SA/151/2013**

**SHAMSUNDAR NAGNATHRAO SIDHANTI DIED LRS.
KARUNA SHAMSUNDAR SIDHANTI
VERSUS
BHASKARRAO NAGNATHRAO SIDHANTI DECEASED LRS. SANJAY AND ORS.**

...
Advocate for Applicants : Mr. Arvind Deshmukh
Advocate for Respondents : Mr. Sanket Jangale h/f. Mr. S.S.Gangakhedkar
...

CORAM : BHARAT P. DESHPANDE, J.

DATED : 19th AUGUST 2022

PER COURT :

This is an application for withdrawal of amount which the appellants are depositing in this Court as per order dated 02-09-2015.

2. Learned counsel for applicants submits that on earlier occasion vide order dated 02-09-2015 applicants were allowed to withdraw the amount deposited by respondents/original appellants. He submits that thereafter appellants are deposited amount of Rs.3,000/- per month, which the applicant may be permitted to withdraw.

3. Heard Mr. Deshmukh, learned counsel for applicants and Mr. Sanket Jangale h/f. Mr. Gangakhedkar for respondents/original appellants.

4. On perusal of the earlier order, it is clear that the applicant was permitted to withdraw amount deposited by the appellants and undertakes that if the appeal succeeds, the amount shall be refunded.

5. Since the appellants have deposited the amount and the record shows that the present applicant was permitted to withdraw an amount of Rs.1,27,000/- vide order dated 4th April 2019 in Civil Application No. 10733 of 2018, applicant could be permitted to withdraw amount deposited by the appellants thereafter till date on the same terms and conditions. Hence the order :

ORDER

- (i) The applicant is permitted to withdraw an amount deposited by the appellants from the time of earlier order till date, on the condition that, if the Second Appeal is allowed, the same shall be refunded without interest.
- (ii) The application stands disposed of accordingly.

(BHARAT P. DESHPANDE, J.)