

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

**950 CIVIL APPLICATION NO.10780 OF 2022
IN FA/227/2005**

**N.C. SHAIKH NASIR CHHANNUBHAI
VERSUS
THE SECRETARY, GOVERNMENT OF MAHARASHTRA DEPP
P.W.D. AND OTHERS**

...
Mr. G.K. Thigle-Naik, Advocate for the applicant.
Mr. B.V. Virdhe, A.G.P. for respondent - State.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 23.11.2022.

ORDER:-

1. It appears that multiple last chances are granted for the respondent – State on whose behalf the learned A.G.P. had made a statement that the Government is in process of challenging the judgment and order in this appeal. Today, the learned A.G.P. submits that he received instructions that the proposal for filing second appeal is pending with Law and Judiciary Department. However, the learned Counsel for the applicant pointed out that the amount deposited by the State was in fact allowed to be withdrawn by furnishing bank guarantee in the year 2008 itself. The proposal of second appeal is yet to be sanctioned and the applicant is without any amount despite being successful in the First Appeal.

2. In view of the same, I am of the opinion that the applicant can be permitted to withdraw the amount of Rs.39,03,296/- without any accrued interest at this juncture. As such, the applicant is permitted to withdraw the amount of Rs. 39,03,296/- without any accrued interest. It is made clear the order in respect of withdrawal of interest amount will be passed separately.
3. The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)