

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

**CIVIL APPLICATION NO. 1040 OF 2021
IN
SECOND APPEAL NO. 608 OF 2019**

**AURANGABAD MULTI SERVICES THRO. ITS PROPRIETOR SUBHASH
DADARAO SHINDE
VERSUS
AMARPREET HOTEL AND TOWERS AURANGABAD THRO. ITS MANAGING
DIRECTOR**

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Advocate for Applicant : Mr. Naik Santosh S.

Advocate for Respondent : A. R. Vaidya

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CORAM : BHARAT P. DESHPANDE, J.

DATE : 18th AUGUST 2022.

Per Court :

1. This is an application for permission to withdraw the amount deposited by the Applicant in this Court as per the conditional order passed on 25.11.2019, while granting stay to the money decree.
2. Learned Counsel for the Applicant/Original Respondent submits

that as per the directions of this Court vide order dated 25.11.2019, the amount of Rs.2,21,075/-, which is the decretal amount including accrued interest, has been deposited in this Court. The Second Appeal is pending for admission. There are concurrent findings of both the Courts below against the Appellant. He submits that the amount is with regard to the services rendered by the Plaintiff/Applicant to the Respondent/Appellant in the Second Appeal for the purpose of salary of the workers.

3. Both the Courts below considered a case of Plaintiff/Applicant herein and granted decree in favour of the Plaintiff. The amount is deposited in this Court. The Applicant is ready to furnish bank guarantee to the satisfaction of this Court for the purpose of withdrawal of the amount.

4. Considering the above submissions, the Applicant could be permitted to withdraw the amount deposited in this Court on the condition to furnish bank guarantee and on undertaking that in case the appeal is allowed, he shall refund entire amount together with

accrued interest. Considering this, the application could be allowed.

Hence the following order.

ORDER

(i) The Civil Application stands allowed.

(ii) The Applicant is entitled to withdraw the amount of Rs.2,21,075/- deposited in this Court on condition of furnishing bank guarantee of the like amount and undertaking that in case the Second Appeal is allowed, he shall refund entire amount together with interest accrued thereon.

5. In view of this, the Civil Application is disposed of accordingly.

[BHARAT P DESHPANDE, J.]

Najeeb.