

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

**CIVIL APPLICATION NO. 13359 OF 2021
IN
FIRST APPEAL NO. 876 OF 2021**

Angad Maruti Jadhav

..APPLICANT

VERSUS

Chief Executive Officer,
The Maharashtra Housing and Area
Development Authority, Aurangabad
and Others

..RESPONDENTS

....

Mr. R.D. Biradar, Advocate for applicant
Mrs. Sanghmitra Wadmare, Advocate for respondent no.1
Mr. R.V. Dasalkar, A.G.P. for respondent nos. 2 and 3

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**CORAM : R.G. AVACHAT AND
R.M. JOSHI, JJ**

DATE : 16th DECEMBER, 2022

PER COURT :

1. This application is filed for withdrawal of entire amount deposited by Respondent No.1 - appellant. It is contended by learned counsel for the present applicant that the amount involved in the present case and deposited in the Court not exceeds Rs.6 lakhs and hence the entire amount be permitted to be withdrawn.

2. Learned counsel for Respondent No.1 – appellant opposed the said contention stating that in other matters pertaining to the same group, 50%

amount is allowed to be withdrawn by this Court and if higher percentage of amount is permitted to be withdrawn herein, then it will become precedent in other cases.

3. We find substance in the contention of learned counsel for the applicant that the amount involved in this matter is not huge so that more than 50% amount can not be allowed to be withdrawn. Though we cannot say that it should not become precedent as sought to be canvased by learned counsel for the appellant but we wish to say that since the amount involved is small, we thought it fit to allow more than 50% withdrawal thereof.

4. In view of above, civil application is partly allowed. The applicant is permitted to withdraw 75% of the amount deposited alongwith accrued interest thereon till date of withdrawal on usual undertaking.

(R.M. JOSHI, J.)

SSD

(R.G. AVACHAT, J.)