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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 252 OF 2022
IN
ARBITRATION APPEAL NO.33 OF 2021

M/s Forward Agencies Proprietor Anil Kakar

APPLICANT

VERSUS

Union of India Central Railway Through General
Manager

RESPONDENT

.....
Mr. Pramod S. Gaikwad, Advocate for the applicant
Mr. D. V. Soman, Advocate for the respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th OCTOBER, 2022

ORDER :

1. This civil application is filed for withdrawal of the amount of Rs.11 lakh, deposited by the respondent / original appellant in Arbitration Appeal No. 33 of 2021.
2. According to the applicant, the Arbitration Award was passed in the year 2004 for the work done by the applicant in the year 1993. Thereafter, the present appeal is filed in the year 2021, wherein an amount of Rs.11 lakh is deposited. The applicant is 79 years old and, therefore, he may be permitted to withdraw the amount.

3. Opposing the application, learned advocate for the respondent / original appellant states that after passing of the award of Rs.9,01,759/- in the year 2004 the said amount was deposited on 7th September, 2010. Thereafter the matter was filed under section 34 of the Arbitration and Conciliation Act, in the District Court and decision in the said matter is challenged in the present Arbitration Appeal. Learned advocate for the respondent, therefore, strongly opposes for withdrawal of said amount.

4. Taking into consideration the fact that the Award of the work done by the applicant in the year 1993 was passed in the year 2004 and since the Award is confirmed by the District Court, this Court is inclined to allow the application.

5. The application is allowed in terms of prayer clause "B", subject to the condition that the applicant shall furnish an undertaking and security.

[NITIN B. SURYAWANSHI]
JUDGE