

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO. 657 OF 2022
IN
FIRST APPEAL NO. 406 OF 2021

VIDC thr. Executive Engineer, Canal Division, Amravati and another

...VERSUS...

Sau. Chandabai Radhesham Jaiswal and ors.

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. Mangesh A. Kadu, Advocate for appellants.
Shri S.S.Shingane, Advocate for respondent no. 1/applicant.
Shri A.M.Kadukar, Asst. G.P. for respondent nos. 2 and 3.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 22th JULY, 2022.

The present application is filed by respondent no. 1/applicant for permission to withdraw the balance decretal amount deposited by the appellant in this Court.

2. It appears that in pursuance to the order passed by this Court on 03/05/2021, the appellant had deposited the entire decretal amount and by subsequent order dated 21/10/2021 passed by this Court in Civil Application (CAF) No. 1971/2021, the respondent no. 1/applicant was permitted to withdrawn 25% of the entire decretal amount for the reason that her grand daughters were appearing in the NEET examination and they were in need of money.

3. However, the present application has moved for withdrawal of balance decretal amount on the ground that one of

the grand daughters namely Laxmi Sudhir Jaiswal has just cleared NEET examination held in 2021 and she is about to take admission at Medical College in Telangana State and for that purpose, the candidate has to give Irrevocable Bank Guarantee to the college of Rs. 11,55,000/-. However, the applicant/respondent no. 1 is ready to furnish surety and security of family lands.

4. The learned counsel appearing for the appellants vehemently opposed the present application and submits that 25% of the entire amount is already withdrawn and if balance amount is allowed to be withdrawn, it will be difficult to recover the same.

5. Considering the requirement of the applicant/respondent no. 1 for education purpose of her grand daughters, it would be appropriate to allow 25% of the decretal amount to be withdrawn.

6. The Registry is directed to deposit 25% of balance decretal amount along with accrued interest in the bank account of respondent no. 1/applicant on furnishing bank details and undertaking that if the appellant would succeed in this First Appeal, the applicant/respondent no. 1 will refund the amount as per final order which would be passed in present appeal.

(Smt. M.S. Jawalkar, J.)