

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

CIVIL APPLICATION [CAF] NO.817 OF 2022 IN
FIRST APPEAL ST. NO.12260 OF 2019 (F.A. No.428/2022)

[The Chief Executive Engineer .vs. Dashrath Januji Rathod and others]

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

Court's or Judge's orders

Shri Ajinkya Joshi, Adv. h/f Ms. I.P. Khisti, Advocate for appellant,
Shri N.Z. Mirza, Adv. h/f Shri A.I. Sheikh, Advocate for respondent no.1,
Shri M.A. Kadu, AGP for respondent nos.2 and 3.

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

DATE : 07/09/2022.

Present application is filed by respondent no.1-original claimant for grant of permission to withdraw the amount deposited by the appellant.

It appears that the total decretal amount of Rs.26,84,773/- is deposited by the appellant in this court. Considering the reasons mentioned in the application, it would be appropriate to allow the respondent no.1-original claimant to withdraw fifty percent of amount along with accrued interest. Registry is directed to disburse fifty percent of amount in favour of respondent no.1-original claimant along with accrued interest on furnishing undertaking within two weeks to the effect that if appellant succeeds in the matter, the amount will be refunded as per final order which would be passed in the present appeal. Accordingly, application is allowed and disposed of.