

Ghuge

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3395 OF 2019
IN
FIRST APPEAL NO.898 OF 2018**

Navneet Constructwell Pvt. Ltd. Thr. Its
Director Navneet ... Applicant

V/s.

Nashik Municipal Corporation Nashik,
Through The Commissioner and Anr ... Respondents

Mr. Sandip D. Shinde for the applicant.

Mr. M.L. Patil for respondent No.1/appellant.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 25, 2023

P.C.:

1. The application is filed by original plaintiff whose suit for recovery of amount has been decreed by the learned Trial Court directing Municipal Corporation to pay an amount of Rs.14,82,000/- (Rupees Fourteen Lakh Eighty Two Thousand Only) along with interest @ 13% from 28th January, 2004 till realization of the said amount. The corporation was also directed to refund security deposit of Rs.25,55,536 (Rs. Twenty Five Lakh Fifty Five Thousand Five Hundred and Thirty Six only) along with interest @ 13% from 28th January, 2007 till its realization.

2. In pursuance of the said decree the Corporation has deposited an amount of Rs.48,72,674/-(Rupees Forty Eight Lakh Seventy Two Thousand Six Hundred and Seventy Four Only) with

the Trial Court on 7th December, 2018. Considering the facts and circumstances of the matter, the applicant is permitted to withdraw deposited amount referred above along with interest accrued if any, subject to filing of undertaking of each of Director of Company that in case the appeal is decided against the applicant they shall reimburse the amount to the Corporation with interest at prevalent bank rates.

3. The Civil Application stands disposed of in the above terms.

(AMIT BORKAR, J.)

Note:- This order is corrected as per order dated 12 July 2023 showing corrections in line 7 of paragraph 1.