

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

CAF No. 2158/2023 in FIRST APPEAL NO.710/2021

(Executive Engineer, Irrigation Department Vs. Prakash s/o Vishnupant Donadkar and others)

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

Court's or Judge's orders

Mr. Vinay Rathi, Adv. h/f Mr. P.B.Patil, Advocate for appellant.
Mr. Uttam Chakravarti, Advocate h/f Mr. S.S.Shingane, Advocate for
respondent no.1.
Ms. T.H. Udeshi, AGP for respondent nos.2 and 3.

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

DATED : 01-08-2023

1. Present application is filed by respondent no.1 for grant of permission to withdraw the amount deposited by the appellant.
2. It is informed that amount of Rs.9,64,508/- (75% of the total decretal amount) is deposited by the appellant, in view of the order passed by this Court on 12.1.2023.
3. For the reasons stated in the application, it will be appropriate and in the interest of justice to allow respondent no.1 to withdraw 50% of deposited amount along with accrued interest.
4. As such, application is partly allowed. The applicant is permitted to withdraw 50% amount deposited by the appellant in this Court along with accrued interest on his furnishing usual undertaking to the effect that if the appellant succeeds in the First Appeal, respondent no.1 will re-deposit amount as per final direction, which would be passed in the First

Appeal.

5. Registry is directed to disburse the amount on furnishing undertaking as referred above within a period of two weeks.

6. Application stands disposed of.

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7. Time of eight weeks is granted to learned counsel for the appellant to file private paper book.

JUDGE

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