



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

CIVIL APPLICATION (CAF) NO. 2641/2023

IN

FIRST APPEAL NO. 851/2022

Maharashtra Jivan Pradhikaran Vs. Dhanraj Nakul Patil and Ors.

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

Court's or Judge's order

Mr. G. K. Bhusari, Advocate for Appellant.
Mr. V. N. Patre, Advocate for Respondent No.1.
Ms. D. I. Charlewar, AGP for Respondent(s)/State.
Mr. U. A. Gosavi, Advocate for Respondent No.4.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 06.11.2023

. The learned Counsel for the respondent No.1/
claimant has filed this application for withdrawal of 50%
amount, which the appellant has deposited before this Court.

2. The learned Counsel for the appellant has sated
that 50% amount was deposited by the acquiring body
before the reference Court. The balance amount is deposited
by the appellant before this Court. The respondent No.1
seeks permission to withdraw the said 50% amount.

3. The appellant has objected to withdraw the
amount as well as the learned Counsel for respondent No.3
objected to allow the respondent No.1 to withdraw the
amount as he has already filed separate appeal which is
tagged with this appeal being not satisfied with the
judgment passed by the reference Court and therefore,
prayed to reject the application.

4. Heard the learned Counsel for the parties.

5. The appellant has filed this separate appeal and

deposited the amount. However, the respondent No.1 is ready to give solvent surety for 25% separately on the 50% amount deposited by the appellant.

6. Considering the reasons stated in the application, the respondent/claimant No.1 is permitted to withdraw 25% amount on usual undertaking and 25% amount on furnishing solvent surety/security on 50% amount deposited by the appellant in this Court.

7. The Registry is directed to release 25% amount after obtaining usual undertaking and 25% amount on furnishing solvent surety/security on 50% amount deposited by the appellant in this Court.

8. The application stands disposed of.

(MRS.VRUSHALI V. JOSHI, J.)