

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

CIVIL APPLICATION (CAS) NO.1101/2023
IN
SECOND APPEAL NO.363/2019

Rambhau Daulatrao Khedkar and another
 Vs.
 Girdhar Fakirchand Agrawal

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

Court's or Judge's orders

Dr. Ranuka Sangram Sirpurkar, Advocate for applicants
 Shri S.A. Mohta, Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 25/08/2023

The present application is filed for grant of permission to withdraw the remaining 50% of deposited amount along with accrued interest. It appears that Second Appeal came to be disposed of on 09/08/2023. It also appears that judgment was stayed for eight weeks. Time is granted, subject to condition that appellant deposited the balance decretal amount within one week from passing of the order. The appellants deposited principle amount with this Court out of which 50% amount was earlier permitted to withdraw, remaining amount is lying with this Court.

2. The learned Counsel for appellants submits that they have already processed the SLP for filing and seeking one week time and request not to allow this application for further one week. In my considered opinion, the amount so deposited is only principle amount and not total decretal amount. As such, no

prejudice will cause if balance amount is allowed to be withdrawn by respondent/applicant. Accordingly the application is allowed.

3. Respondent will be allowed to withdraw the balance amount on 04/09/2023, if by that time, the appellant failed to bring any order from the Hon'ble Apex Court, the amount will be withdraw without reference to the Court.

4. The Nazir is hereby directed to disburse the amount along with accrued interest on 04/09/2023 if there is order no passed by the Hon'ble Apex Court in favour of the appellant is placed on record.

5. The application stands disposed of.

JUDGE

R.S. Sahare