

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**909 CIVIL APPLICATION NO. 6404 OF 2024
IN SA/36/2024 WITH SECOND APPEAL NO. 36
OF 2024 WITH CIVIL APPLICATION NO.
4042/23 WITH SECOND APPEAL NO. 38 OF 2024
WITH CIVIL APPLICATION NO. 6405 OF 2024
IN SA/36/2024**

SHRI ZAHIRODDIN S/O FAYAZODDIN INAMDAR
....Applicant

VERSUS

MAHARASHTRA JEEVAN PRADHIKARAN THROUGH
SECRETARY WATER SUPPLY

.....Respondent

.....
Advocate for Applicant : Mr. J. N. Singh h/f
Mr. Parde Anil Balajirao

.....

**CORAM : SANDIPKUMAR C. MORE, J.
DATED : July 4, 2024**

ORDER:-

1. Heard rival submissions.
2. The applicant i.e. original respondent in Second Appeal No. 36 of 2024 as well as original plaintiff is seeking withdrawal of amount of Rs. 10,44,482/- (Rupees Ten Lakh Forty Four Thousand Four Hundred Eight Two) which has been deposited by the respondent/appellant Maharashtra Jeevan Pradhikaran (hereinafter referred to M.J.P) in the aforesaid appeal.

3. The learned counsel for the respondent M.J.P strongly opposed the application on the ground that M.J.P has also filed appeal and in the said appeal the aforesaid amount is likely to be altered. However, it appears that, against the total amount around Rs. 16,00,000/- up till now the M.J.P has deposited the aforesaid amount. It is also to be noted that, against the claim of 91 Lakhs the learned trial Court has granted amount of Rs. 5,16,138/- only. In the appeal also, the said amount is not varied. Under such circumstances, the applicant herein is permitted to withdraw the aforesaid amount Rs. 10,44,482/- along with the accrued interest thereon till date, on usual undertaking to be filed before the learned Registrar (Judicial) of this Court. The application is accordingly disposed of.

IN CIVIL APPLICATION NO. 6405 OF 2024

4. The learned counsel for the M.J.P requested time to deposit the remaining decretal amount. As such, stand over to 01.08.2024.

(SANDIPKUMAR C. MORE, J.)

Y.S. Kulkarni