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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

71 CIVIL APPLICATION NO. 4817 OF 2024
IN FA/1050/2022

GANGARAM RAOSAHEB SONNAR

....Applicant

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD AND ORS

.....Respondents

Mr. D. A. Bide, Advocate for the applicant

Mr. M. S. Kulkarni, Advocate for respondent No.1

CORAM : KISHORE C. SANT, J.

DATE : 03rd OCTOBER, 2024

P C.

1. Heard the parties.

2. This application is for withdrawal of the amount deposited by the appellant acquiring body in the executing court.

3. Initially this court had directed the applicant to approach the executing court for withdrawal of the amount. The

executing court in Special Darkhast No.10/2021 allowed the applicants to withdraw the amount by order dated 17-02-2023 with a condition to furnish solvent security and also an undertaking that in case this court directs, he shall re-deposit the amount with 9% interest per annum. The applicant is aggrieved because of the condition to furnish the solvent security of Rs.5 lakhs. The amount allowed to be withdrawn is only Rs.4,47,474/-.

4. Considering the earlier order and spirit of the order and that amount is less than Rs.5 lakhs this court is inclined to allow the application by modifying the condition No.2 in the order dated 17-02-2023 passed by Civil Judge, Senior Division, Bhoom. Hence, the following order:-

ORDER

- a] The application is allowed.
- b] The condition imposed by the executing court of furnishing security is hereby modified. The

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executing court shall permit the applicant to withdraw the entire amount alongwith interest accrued thereon on furnishing an undertaking that whenever directions from the court, the applicant shall re-deposit the amount in the executing court alongwith interest.

c] Further the amount deposited in this court also shall be allowed to be withdrawn alongwith accrued interest on filing of the usual undertaking.

d] The application stands disposed off.

[KISHORE C. SANT, J.]