



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

**943 CIVIL APPLICATION NO. 12115 OF 2021
IN FA/358/2007**

M/s. Shri Raj Plastics

....Applicant

VERSUS

Mseb Now Mah State Electricity Distribution Co. Ltd Thr Ex. Engg And Anr
.....Respondent

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Advocate for Applicant : Mr. A.A. Puranik

Advocate for Respondent 1 : Mr. A.S. Bajaj a/w. Mr. P.P. Patni

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 30, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. The learned counsel for the applicant submits that the decree was passed against the respondents wherein respondents were directed to pay the amount of Rs.9,90,471.55 along with the interest at the rate of 18% p.a. from the date of filing of the suit till the realization of the decretal amount. Aggrieved thereby, the respondents challenged the decree passed in Special Civil Suit No. 190/2002 by filing First Appeal No. 358/2007 along with the application for stay in this Court.
3. This Court had granted interim stay to the respondents on the condition of depositing Rs.10,00,000/- in this Court vide order dated 29.6.2007. Undisputedly, the amount is still lying in this Court.
4. Thereafter, First Appeal No. 358/2007 has been transferred to the District Court due to enlargement of the jurisdiction of the District Court. The District Court dismissed the appeal. There is no challenge to the order passed by the first appellate Court. The applicant has also filed Special Darkhast No. 13/2010 before the Civil Judge, Senior Division, Aurangabad and the same is pending. The balance decretal amount has been deposited in the executing Court and the same has been permitted to be

withdrawn by the applicant.

5. In view of the above, the present applicants are permitted to withdraw the amount deposited as mentioned above along with the accrued interest thereon on usual undertaking to the satisfaction of the executing court. In the event, there is any difference of amount, the same shall be adjudicated by the executing court.

5. With the above directions, the present civil application is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/