



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13199 OF 2025 IN FA/2332/2025

Vitthal Baburao Kokane.

VERSUS

The Principal Patil English Medium School, Aheknagar Sangamner.

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Mr. Shaikh Mazhar Abdulhamid, Advocate for Applicant

Mr. A. G. Mulange, Advocate for Respondent no.1

Mr. M. R. Deshmukh, Advocate for Respondent no.2

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WITH

CIVIL APPLICATION NO. 9864 OF 2025 IN FA/2332/2025

CORAM : SANJAY A. DESHMUKH, J.

DATED : 08th DECEMBER, 2025

PER COURT :-

1. This is an application for withdrawal of the amount deposited in this Court under impugned judgment and award.
2. Perused the application. Heard learned Advocates for both the sides.
3. Learned Advocate for the respondent strongly opposed the application and submitted that there is delay of 25 days caused in lodging the First Information Report. He further submitted that because of the amendment in Sub Clause 4 of Section 149, which has now been excluded by an amendment, any Court except the Supreme Court under Article 142 of the Constitution of India cannot give directions to pay and recover. He submitted that the impugned judgment is therefore not sustainable.
4. On perusal of impugned judgment and facts and circumstances of the case, it would be proper to allow the application partly in the interest of justice. Hence, the following order:

ORDER

- a. Civil Application is partly allowed.
- b. Applicant is permitted to withdraw the 50 percent amount out of deposited amount alongwith interest accrued thereon on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 9864 OF 2025

1. This is an application for granting stay to the execution and operation of the impugned judgment and award.
2. Learned Advocate for the appellant submits that the appellant has deposited the entire amount under impugned judgment and award in this Court.
3. Considering this fact, Civil Application deserves to be allowed and is allowed accordingly. Civil Application stands disposed of.

FIRST APPEAL NO.2332 OF 2025

- . Call Record and Proceedings.

(SANJAY A. DESHMUKH, J.)