

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 11239 OF 2025
IN
FIRST APPEAL NO. 781 OF 2012**

Vilas Namdev Navgire (Shelar) and Ors. ... Applicants

In the matter between

The State of Maharashtra and Anr. ... Appellants
V/s.

Vilas Namdev Navgire and Ors. ... Respondents

Mr. Anil Ahuja for Applicants (through V.C.)
Mr. M.L. Patil for Respondent No.2 in IA
Mr. A.R. Patil for Respondent No.1 - State

**CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.**

DATE : 3RD OCTOBER 2025

P.C. :

1. By this Interim Application, the Applicants have sought for permission to allow the Applicant No.6 to withdraw an amount of Rs.94,27,389/- along with accrued bank interest on furnishing personal undertaking to the satisfaction of the Reference Court.

2. The Interim Application has been objected to by the learned Counsel for Respondent No.2 on the ground that there is a dispute between the Applicant No.6 (Original Claimant No.6) with the other

Applicants/Claimants as regards the distribution of the said amount which has been deposited by the Nashik Municipal Corporation with the Reference Court being an amount of Rs.5,24,10,249/- which is sought to be withdrawn by the Claimants from the Reference Court. He has submitted that the Reference Court as per order dated 6th March 2014 permitted the Claimant Nos. 1 to 5, 7 and 8 to withdraw the amount of Rs.4,58,58,967/- jointly against furnishing bank guarantee while directing the balance amount of Rs.65,51,282/- to be invested in the fixed deposit. Thereafter, a bank guarantee has been furnished and the amount of Rs.4,58,58,967/- has been withdrawn by the aforementioned Claimants. He has submitted that in view of the dispute between the aforementioned Claimants and Claimant No.6, the present application seeking withdrawal of the said amount by Claimant No.6 furnishing personal undertaking to the satisfaction of the Reference Court be not allowed unless a bank guarantee is furnished to the Reference Court.

3. Considering that there is a dispute between Claimant No.6 and the remaining Claimants, the personal undertaking to be furnished on part of only Claimant No. 6 to the satisfaction of the Reference Court to withdraw the balance amount which now amounts to Rs.94,27,389/- cannot be allowed. However, considering that the amount which is now sought to be withdrawn is 15% of the total amount which had been deposited by the

Nashik Municipal Corporation with the Reference Court and considering that 85% of the amount has already been withdrawn by furnishing of the bank guarantee by the Claimants other than the Claimant No.6, we consider it appropriate that the balance amount of Rs.94,27,389/- may be withdrawn by the Claimants furnishing personal undertaking to the satisfaction of the Reference Court.

4. Accordingly, the present Interim Application is disposed of by directing the Claimants to furnish personal undertaking to the satisfaction of the Reference Court within a period of one week from today and subject to which the Claimants may withdraw the amount of Rs.94,27,389/- together with any further interest which may have accrued since the filing of the Interim Application.

5. The present Interim Application is accordingly disposed of in the above terms.

(FARHAN P. DUBASH, J.)

(R.I. CHAGLA J.)

JYOTI
PRAKASH
PAWAR

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by JYOTI
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Date: 2025.10.06
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