

ORDER BELOW EXH.08

Read application and say filed by J.D. No.1 to 3. Read the report of Superintendent & A.S. (C.& F.A.) of this Court.

2 This is the application filed by D.H. for permission to withdraw the amount of Rs.4,29,905/- deposited by J.D. in execution petition of Award passed in L.A.R. No.348/2015.

3 J.D. No.1 & 3 have filed their say at Exh.11 and resisted the application. The J.D. No.1 & 3 have averred that the proposal to file appeal against said Award is pending in the office of Collector. So, the amount deposited by J.D. may not be given to D.H. and if it is given, it shall be given by taking undertaking from D.H. So, application may be rejected.

4. J.D. No.2 has filed its say at Exh.13. It has averred that it has no objection to pay the amount deposited by J.D. to D.H.

5 The report of Superintendent shows that there is no appeal pending in respect of award passed in LAR No.348/2015 before any Appellate Court and no stay is granted to execution of Award passed in L.A.R. No.348/2015 by any Court. The appeal period is over. There is no intimation received by this Court about any appeal pending in respect of said Award before Hon'ble Bombay High Court. So, it is proper to pay the amount deposited by J.D. to D.H. subject to taking undertaking from D.H. that in case of any adverse order passed against him in appeal or the award is varied or set-aside in any proceeding before Court, then D.H. shall redeposit the withdrawn amount in concerned proceeding as per order of Court. Hence, I pass following order.

ORDER

The application is allowed and D.H. is permitted to withdraw the amount of Rs.4,29,905/- (Rs. Four Lacs Twenty-Nine Thousand Nine hundred and Five only) deposited by J.D. in this proceeding as per report of A.S. (C & F) subject to furnishing affidavit cum undertaking by D.H. that in case of any adverse order passed against him in appeal or the award is varied or set-aside in any proceeding before Court, then D.H. shall redeposit the withdrawn amount in concerned proceeding as per order of Court.

Date : 06.07. 2020.

Sd/-06.07. 2020.
(S.G. Baokar)
Civil Judge Senior Division,
Paranda.