

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.31,50,985/- deposited by D.H. in execution petition of Award passed in L.A.R. No.474/2015.

3 J.D. No.1 & 2 have filed their say at Exh.09 and resisted the application. The J.D. No.1 & 2 have averred that the proposal to file appeal against said Award is sent to 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.3 has filed its say at Exh.13 and averred that the amount deposited by J.D. in the Court for satisfaction of Award passed in L.A.R. involved in this execution petition may be paid to D.H..

5 The report of Superintendent shows that there is no stay granted to execution of Award passed in L.A.R. No.474/2015. Also, there is no intimation received by this Court about any appeal pending in respect of said Award before Hon'ble Bombay High Court. The say filed by J.D. No.1 & 2 about filing of appeal is totally vague and no appeal number is mentioned in the say of J.D. No.1 & 2. J.D. No.3 has no objection to pay the amount deposited by J.D. in this execution petition to D.H., it is proper to pay the amount deposited by J.D. to D.H. subject to taking undertaking from D.H. Hence, I pass following order.

ORDER

The application is allowed and D.H. are permitted to withdraw the amount of Rs.31,50,985/- (Rs. Thirty-One Lacs Fifty Thousand Nine Hundred Eighty-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 if any objection is received

before this Court about the Award passed in L.A.R. No.474/2015 or said Award is set-aside or varied by the appellate Court then D.H. shall deposit the entire withdrawn amount in this Court within one month of passing such order in concern proceeding.

Date : 24.09. 2019.

Sd/-24.09. 2019.
(S.G. Baokar)
Civil Judge Senior Division,
Paranda.