

MHPU010211432023



ORDER BELOW EXH.32 IN
CIVIL M.A. NO.-1183/2023

By this application, the respondent has prayed for permission to withdraw an amount of Rs.35,83,835/- deposited by the applicant in this court. As per the report of the Nazir on 19.08.2025 at serial Nos.316 and 317 in 'C' register, the entries about the deposits are recorded. The applicant has prayed the withdrawal on the ground that there is an arbitral award which is impugned in the present matter in favour of the applicant. This court has granted stay to the impugned award only on condition of the deposit of the above amount. The said order has been confirmed by the Hon'ble High Court of Bombay.

2] The original applicant has opposed the application on the ground that once the award is stayed, the non-applicant / respondent cannot be allowed to withdraw the amount. While passing the order on stay application, I have recorded my prima facie findings, that the findings recorded by the learned arbitrator in support of the award cannot be faulted at least prima facie. Hence, I am inclined to allow the application. However, to safeguard the interest of the original applicant, some conditions as per the operative order must be imposed on the respondent. Thus,

I proceed to pass the following order.

ORDER

- 1] The application (Exh.32) is hereby allowed.
- 2] The respondent is hereby allowed to withdraw the amount of Rs.35,83,835/- as per the entries 316 and 317 in 'C' register subject to the following conditions.
 - i] The respondent shall furnish a solvent surety of the equal amount.
 - ii] The respondent shall furnish an undertaking that if the application is decided in favour of the applicant, the respondent shall deposit the amount in this court within four weeks along with the interest accrued from the withdrawal till the said deposit in the court at the rate as granted by the learned arbitrator.

(Dictated and pronounced in open Court.)

Date : 01/10/2025

(A. L. Tikle)
District Judge-2, Pune.

3 Civil M. A. No.-1183/2023
M/s. Eisha Goyal Agarwal Developers
through Partners etc Vs. M/s. Rachana Constructions
through Prop. Pratap Dadasaheb Deshmukh

C E R T I F I C A T E

I affirm that the contents of this P.D.F file judgment are same word for word as per original Judgment.

Name of the Court	:	Shri. A. L. Tikle, District Judge-2, Pune
Name of steno	:	S. Y. Shaikh, (Stenographer Grade-I)
Date of Order	:	01.10.2025
Order signed by P.O. on	:	03.10.2025
Order uploaded on	:	03.10.2025