

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.1636 OF 2015
IN
FIRST APPEAL NO.478 OF 2014.

(HUKUMCHAND BABULAL SETHI...VS..THE CHIEF GENERAL MANAGER & 3 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.A.Abhyankar, Advocate for the applicant.
Shri C.S.Samundre, Advocate for Respondent No.1.
Shri C.N.Deshpande, Advocate for Respondent No.4.

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 04, 2015.

This application is filed by the respondent No.4 seeking modification of the order passed by this Court on 4th March, 2015 regarding furnishing of solvent surety. It is submitted that the property mentioned in paragraph 1 is joint property and the property mentioned in para No.2 is exclusively owned by the respondent No.4. It is submitted that the respondent No.4 may be permitted to furnish the solvent surety in respect of the property mentioned in paragraph 2 of the affidavit dated 2nd March, 2015.

The order dated 4th March, 2015 is modified and it is directed that the respondent No.4 is permitted to withdraw the amount deposited by the respondent No.1 on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court in respect of the house property, details of which are given in paragraph 2 of the affidavit dated 2nd March, 2015 filed by the respondent No.4. In

addition, the respondent No.4 shall file an undertaking stating that the respondent No.4 shall not create any third party interest in respect of his share in the property mentioned in paragraph No.2 of the affidavit dated 2nd March, 2015 and shall not part with the possession of his share in the house property.

It is further directed that the respondent No.4 shall file an affidavit stating that he shall not create any third party interest in the house property described in paragraph 1 of the affidavit dated 2nd March, 2015 and shall not part with the possession of it.

The Civil Application is allowed accordingly.

JUDGE

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