

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

CIVIL APPLICATION NO.4252 OF 2017 IN FIRST APPEAL NO.486 OF 2017
(Executive Engineer, Minor Irrigation Division vs. Krushna s/o Ramaji Gudhekar and others)

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

Shri C.R. Najbile, Advocate for applicant/respondent no.1.

Shri S.K. Bhoyar, Advocate for appellant.

Shri M.J. Khan, Assistant Government Pleader for respondent nos.2 and 3.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 15, 2017

Heard learned Counsel for the parties.

This application is filed by respondent no.1 for permission to furnish security in place of surety contending that applicant/respondent no.1 is unable to furnish surety of other person, but is having his own solvency certificate, according to which he is certified to be solvent to the extent of Rs.2,50,000/-. It is further contended that 25% of amount, which is directed to be withdrawn on furnishing solvent surety is to the extent of Rs.1 lakh only. It is thus prayed that applicant be allowed to obtain balance amount of 25% on furnishing solvent security of his own.

Record reveals that by order dated 10/7/2017, this Court allowed applicant to withdraw 75% of amount deposited on furnishing usual undertaking and balance 25% amount on furnishing

solvent surety. From th solvency certificate of applicant Krushna Ramaji Gudhekar, he is found solvent to the extent of Rs.2.50 lakhs as aforesaid while 25% amount is stated to the extent of Rs.1 lakh.

In the circumstances, applicant is permitted to withdraw 25% of amount on furnishing his solvent security. The civil application is disposed of as allowed.

JUDGE

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