

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

CIVIL APPLICATION (CAF) NO. 3989 OF 2016

IN

FIRST APPEAL NO. 1229 OF 2013

(NEW INDIA ASSURANCE COMPANY LTD.....VS.. VIJAYKUMAR RAMDURBALI JAISWAL & ANR.)

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

Court's or Judge's orders

Shri S.R.Charpe, advocate for Respondent No.1.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 17, 2017.

The submission on behalf of the respondent No.1 is that it is not possible for him to furnish solvent surety as ordered by this Court.

I proposed to modify the condition in the order passed on 5th February, 2014 and to permit the respondent No.1 to withdraw 25% of the amount on furnishing the security for it, instead of furnishing solvent surety.

The learned advocate for the respondent No.1, on instructions, states that it will not be possible for the respondent No.1 to furnish security also as he is not holding any property.

Considering these facts, the prayer made in the application cannot be granted as it would not be possible for the applicant to recover the amount in case the appellant succeeds in the appeal.

The civil application is **dismissed**.

JUDGE