

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

WRIT PETITION NO.2937/2017

Umiya Vijay Saw Mill, Akot
..Vs..
Anupkumar Murlimanohar Shrawagi

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

Court's or Judge's orders

Shri A.B. Moon, Advocate for the petitioner.
Shri B.N. Mohta, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATE : 13.2.2018.

Heard.

The petitioner / judgment debtor has challenged the order passed by the executing Court by which the application (Exh. No.32) filed by the respondent / decree holder is allowed and the decree holder is permitted to withdraw the amount of Rs.15,00,000/- (Rs. Fifteen Lakhs) deposited by the judgment debtor towards compensation / occupation charges. By the impugned order the executing Court has directed that withdrawal of amount by the decree holder would be permitted provided decree holder furnishes surety bond of Rs.25,00,000/- and undertaking as per the order passed by the learned District Judge on 26th December, 2015.

The contention of the petitioner / judgment

debtor is that the decree holder has not complied with the requirement of furnishing surety bond and, therefore, the amount cannot be given to the decree holder.

The submission as made on behalf of the judgment debtor cannot be accepted. The executing Court is bound to verify the surety bond as furnished by the decree holder as per the order passed by it and after being satisfied that the proper surety bond is complied with then only the amount would be disbursed to the decree holder.

I do not find any error of jurisdiction which necessitates interference with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.