

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

CIVIL APPLICATION (CAO) NO.1773/2018

IN

FA NO.805/2018

The Executive Engineer, (Man Project Division), New Name - Jigaon Lift
Irrigation Division, Khamgaon, District Buldana

..VS..

Ramkisan Ganeshlal Rathi (dead) thr. its LRs Hemraj Ramkisan Rathi and ors

APPLICANTS : Ramkisan Ganeshlal Rathi (dead) thr. its LRs Hemraj
Ramkisan Rathi and ors

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

Court's or Judge's Order

.....
Shri R.P. Masurkar, Counsel for the applicants/respondent
Nos.1a to 1e.

Ms Gupta, Counsel for the appellant.

Shri I.J. Damle, AGP for respondent Nos.2 and 3.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 8, 2018.

1. This is an application for permission to file solvent security/surety in view of orders passed by this Court on 25.7.2018.

2. Heard learned counsel Shri R.P. Masurkar for applicants/respondent Nos.1a to 1e, learned counsel Ms Gupta for the appellant, and learned AGP Shri I.J. Damle for respondent Nos.2 and 3.

3. The claimants filed an application vide CAF

No.4244/2017 for permission to withdraw amount deposited by the appellant. On 25.7.2018, this Court (Coram : Mrs. Swapna Joshi, J.) allowed the said application. By the said order, it was directed that 25% of the decretal amount be fixed in any Nationalized Bank and out of remaining 75% amount, 50% amount was permitted to be withdrawn by the claimants on they furnishing an usual undertaking to the satisfaction of the Registrar (J.) of this Court and 50% amount was permitted to be withdrawn on the claimants furnishing solvent surety/security to the satisfaction of the Registrar (J.) of this Court within a period of 4 weeks from 25.7.2018. However, within the stipulated time, the claimants could not furnish surety and, therefore, the amount remained to be withdrawn. As such, the present application is moved.

4. In view of the above, the present application is allowed. Time to file security/surety is extended by a further period of 4 weeks.

5. Needless to mention that, after security/surety is furnished, the claimants will be allowed to withdraw the amount.

6. With this, the civil application stands disposed of accordingly.

JUDGE

!! BRW !!

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