

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

Civil Application (F) No.3073/2019 in Civil Application St No.11076/2020 in First Appeal
No.478/2018

(The Executive Engineer, Purna Medium Project Division, Achalpur, Distt. Amravati V
 Babarao Badukale and others)

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

Court's or Judge's orders

Shri P.B. Patil, Adv for appellant.
 Shri S.S. Shingane, Adv for resp. no.1.
 AGP for resp. nos.2 and 3.

CORAM : S.M. MODAK, J.

DATE : 06-11-2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Shingane for respondent no.1.

3. As per order dated 16-12-2019, respondent no.1 was permitted to withdraw 50% of the amount by giving usual undertaking and 50% of the amount on furnishing solvent surety. Both the compliances have been made by respondent no.1 before this Court. However, due to COVID-19 situation and due to old age respondent no.1 could not come to Nagpur. However, he is asking for remaining compliances to be made before the Reference Court and withdrawal from that Court. Hence, the order :-

ORDER

(a) The Nazir is directed to transfer an amount of Rs. 7,60,472/- along with interest to the Reference Court i.e the Court of Civil Judge Senior Division, Achalpur.

- (b) The Nazir is directed to transfer the amount only on verifying the undertaking and solvent surety.
- (c) The Reference Court is directed to release the amount to respondent no.1 by transferring it to his bank account and subject to personal identification.
- (d) Respondent no.1 is further directed to provide copy of the undertaking and solvent surety before the Reference Court.
- (e) Application is disposed of.

First Appeal No.478/2018

The appellant is directed to file paper book within the period of 12 weeks.

4. The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

(S.M. Modak, J.)