

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

Civil Application (CAO) No.131/2021
IN
Cross-Objection (XOB) No.12/2019
IN
First Appeal No.350/2017

Chief Executive Officer, Arunavati Project Division, Pusad, Dist. Yavatmal & Anr. **Vs.** Bhagwandas Vallabhadas Atal & Ors.

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

Court's or Judge's Orders

 Shri M.A. Kadu, Advocate h/f Shri P.B. Patil, Advocate for Cross-objectors.
 Shri A.B. Nakshane, Advocate for Respondent No.1 (in Cross-objection).
 Ms. T.H. Udeshi, AGP for the Respondent/State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 15th FEBRUARY, 2021.

The applicant has sought direction to the Registry to accept solvent surety and security furnished by respondent No.1 for withdrawal of 50% of the deposited amount.

2. The Appellant has deposited 75% of the amount awarded by the Reference Court in L.A.C. No.2105/2004. By order dated 01/12/2020, the respondent No.1 was permitted to withdraw 50% of the said amount on usual undertaking and balance 50% on furnishing solvent surety. The respondent No.1 has furnished solvent surety to the tune of Rs.28,00,000/-. The Registry has quantified the surety amount to Rs.30,65,000/- for withdrawal of Rs.24,52,264/-, which is equivalent to 50% of the amount deposited by the Appellant.

3. Considering the reasons stated in the application, the application is allowed. Registry is directed to accept the solvent surety and security furnished by respondent No.1 for withdrawal of 50% of

the deposited amount.

4. The civil application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)