

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

CIVIL APPLICATION (F) NO. 1335 OF 2021
IN CIVIL APPLICATION NO. 101 OF 2021
IN FIRST APPEAL NO. 269 OF 2021

(VI.D.C. Vs. Babarao Panjabrao Wankhade (dead) thr. LRs Smt. Vimala Babarao Wankhade
& Ors. & Ors.)

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

Court's or Judge's orders.

Shri A.M. Kukday, Advocate for the appellant.
Ms. V.S. Mohod, Advocate for the applicants/
respondent Nos. 1 to 7.
Shri M.A. Kadu, A.G.P for respondent Nos. 8 and 9.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
JULY 14, 2021.

Heard.

2] This is an application seeking relaxation
in condition of furnishing solvent surety to withdraw
25% amount of compensation.

3] This Court on 24/02/2021, while
disposing of Civil Application (F) No. 101/2021, had
passed the following order :

“XXXX

CIVIL APPLICATION (CAF) NO. 101/2021

4. The Respondents Nos. 1 to 6 who are
original claimant have filed this application to
withdraw the amount deposited by the
appellant – acquiring body.

5. Having considered the reasons stated in the impugned judgment and the grounds raised in the appeal memo, the respondent Nos. 1 to 6 are permitted to withdraw 50% amount of the compensation on giving usual undertaking before the Registrar (Judicial) and 25% amount of compensation on furnishing solvent surety.

6. Application stands disposed of.

XXXX”

4] Ms. Mohod, learned counsel for the applicants, submits that it becomes very difficult for the applicants to furnish solvent surety, as they are cultivators, and undertaking soil operation by taking loan.

5] In the given facts, the condition to furnish solvent surety for 25% of the compensation is relaxed and the applicants are permitted to withdraw 25% amount of compensation also by furnishing usual undertaking.

6] Civil Application stands disposed of accordingly.

JUDGE

Sumit