

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

CIVIL APPLICATION (F) NO. 2590 OF 2021 IN FIRST APPEAL NO.
87 OF 2021

Vidarbha Irrigation Development Corporation & Anr. Vs. Rangnath Murkute and others

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

Court's or Judge's orders.

Mrs. P.P. Chobe, Advocate for the appellants
Mr. B.N. Palve, Advocate for respondent No.1
Ms. Shamsi Haider, AGP for respondents No.2 and 3

CORAM : V.M.DESHPANDE, J.

DATE : 16th DECEMBER, 2021.

This is an application with a prayer that the order dated 22/09/2021, passed in Civil Application (CAF) No. 1138 of 2021, be modified and it be observed that the claimant to furnish usual undertaking and solvent surety to the satisfaction of the learned Registrar (Judicial) instead of the Reference Court.

2. Heard Shri B.N. Palve, learned counsel for the respondent No.1 / original claimant, Smt. Chobe, learned counsel for the appellants – Vidarbha Irrigation Development Corporation and Ms. Shamsi Haider, learned Additional Government Pleader for the respondents No.2 and 3.

3. In pursuance to the order passed by this Court, the appellant – Vidarbha Irrigation

Development Corporation deposited Rs.26,26,826/- before this Court.

4. After the amount was deposited, the claimant moved Civil Application (CAF) No.1138/2021 for withdrawal of the amount. The said application was decided on 22/09/2021 by this Court (Nitin W. Sambre, J.) on 22/09/2021, by which the claimant was permitted to withdraw 50% of the amount along with the accrued interest on the condition that the claimant shall furnish solvent surety/security to the satisfaction of the Reference Court.

5. By the present application, it has been pointed out that the amount is deposited by the appellant in this Court, therefore, in my view, the present application needs to be allowed by modifying the order dated 22/09/2021. Hence, I pass the following order.

ORDER

i. Order dated 22/09/2021 stands modified to the extent that the claimant shall furnish usual undertaking and solvent surety to the satisfaction of the learned Registrar (Judicial) of this Court instead of the learned Reference Court, as observed.

6. With this, the application is allowed and disposed of.

FIRST APPEAL NO. 87 OF 2021.

At the request of learned counsel for the appellants, 16 weeks' time is granted to file private paper book.

JUDGE

MP Deshpande