

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

**CIVIL APPLICATION (CAF) NO. 1690 OF 2019  
IN  
FIRST APPEAL (ST) NO. 3229 OF 2017**

The Executive Engineer, Bembla Project Division, Yavatmal and anr.  
Vs.  
Inderchand s/o Hiralal Kakliya an Ors.

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

Court's or Judge's Orders.

-----  
Mr. Vinay Rathi, Advocate h/f Mr. Purushottam Patil,  
Advocate for appellants.  
Mr. A.B. Nakshane, Advocate for respondent No.1.  
Mr. A.M. Kadukar, AGP for respondent Nos.2 & 3.

**CORAM : ABHAY AHUJA, J.**

**DATE : 06.10.2022.**

This is an application seeking modification of the order dated 11.01.2018, whereby this Court has allowed respondent No.1/applicant to withdraw 75% of the amount on furnishing usual undertaking and the balance 25% amount on furnishing solvent surety within a period of eight weeks.

2. Mr. Nakshane, learned counsel submits that the respondent No.1/applicant has not found

any person, who can stand as solvent surety with respect to withdrawal of 25% amount and he submits that, he would be able to furnish a security of his own property at Yavatmal.

3. According to him, his property is valued at around Rs.30,00,000/-. He would submit that, the order is required to be modified to read that instead of 'furnishing solvent surety', the respondent No.1/applicant be permitted to furnish security of his own property.

4. Mr. Vinay Rathi, learned counsel for the appellant has no particular objection, if the application is allowed.

5. Let the respondent No.1/applicant furnish fresh security of his property at Yavatmal to the satisfaction of the Registrar (Judicial) of this Court for withdrawal of the balance amount of 25%.

6. Let the balance amount of 25% be allowed to be withdrawn subject to the applicant furnishing security to the satisfaction of the Registrar (Judicial), as above.

7. The civil application stands disposed.

**Cross Objection No.21829 of 2018**

Let the office objection be removed within a period of two weeks.

**2.** List the matter on **20/10/2022**.

**JUDGE**