

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

CIVIL APPLICATION (CAF) 2591 OF 2022
WITH
CIVIL APPLICATION (CAF) 2592 OF 2022
IN
FIRST APPEAL 832 OF 2015

(Executive Engineer, Lower Wardha Project Division, Wardha..vs..Mohan s/o.
Maluramji agrawal and ors)

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

Court's or Judge's orders.

Mr. U.A. Gosavi, counsel for appellant.
Mr. P.P. Pendke, counsel for respondent 1.
Mr. V.V. Bhangde, counsel for respondent 2.
Mr. M.J. Khan, AGP for respondents 3 to 5/State.

CORAM: ROHIT B. DEO AND URMILA JOSHI-PHALKE, JJ.
DATE: 22.11.2022

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This application is preferred for permission to furnish new undertaking.

2. It appears that while permitting the appellant to withdraw the amount deposited in the Court, this Court vide order dated 6.10.2015 directed the respondent – claimant to deposit solvent surety and file an undertaking within four weeks. It further appears that the undertaking filed was not in accordance with the order and to the satisfaction of the Registrar (Judicial).

3. In this view of the matter, we permit the respondents 1 and 2 to file fresh undertaking.

4. This application is allowed.

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This application is not pressed since the Vidarbha Irrigation Development Corporation (VIDC) has already deposited the decretal amount.

2. The application is disposed of.
3. With consent, list for final hearing on 29.11.2022.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO, J.)

Belkhede