

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

CAF NO.264/2022 IN FA NO.500/2021

Mah. Housing and Area Development Authority, Mumbai and anr

..VS..

St.Vithabai Puankar and ors

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

Court's or Judge's Order

Shri Kothari, Counsel for Appellants.
Mrs.Kirti Satpute, counsel for R-1A to 1K.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 05/01/2023

1. The application is filed by respondent Nos.1A to 1K (respondents) for setting aside order dated 21.9.2021 passed on CA No.1870/2021 and also for seeking permission to withdraw the deposited amount.
2. The appellant - acquiring body has already deposited decretal amount by furnishing calculation chart of Rs.77,25,300/- with accrued interest. The appellant has no objection if the respondents are permitted to withdraw the amount subject to condition that the respondents shall furnish surety to that effect.
3. Considering reasons mentioned in the application, the application deserves to be allowed partly.
4. The application is **allowed partly**. The respondents are permitted to withdraw the decretal amount of Rs.77,25,300/- on furnishing solvent surety to that effect. The prayer of respondents for setting aside order dated 21.9.2021 passed on CA No.1870/2021 is hereby rejected.
5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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