

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

**CIVIL APPLICATION (CAF) NO.1251 OF 2023**

**IN**  
**FIRST APPEAL NO.1395 OF 2013**

Vidarbha Irrigation Development Corporation through Executive Engineer, Lowar  
Wardha Project Division, Wardha

Vs.

Kailash Krushnaraoji Ajmire and others

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

Court's or Judge's orders

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Ms. Ashwini S. Athalye, Advocate for applicant.  
Ms. T. Udeshi, AGP for respondent No.2 to 4.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 27/04/2023**

1. Present application is seeking for modification of order dated 10.02.2023 and for passing suitable order for withdrawal of the amount.

2. As per contention of the respondent No.1, this Court by order dated 10.02.2023 permitted the respondent No.1 to withdraw the amount of Rs.5,00,000/- along with accrued interest on furnishing solvent surety/security to the satisfaction of this Court.

3. As per contention of the applicant that inadvertently it is remained to be mentioned that respondent No.1 is permitted to withdraw the amount of Rs.5,00,000/- on usual undertaking and, therefore, Registry has not allowed to withdraw the amount of compensation of Rs.5,00,000/- on usual undertaking.

(2)

8.caf.1251.2023

4. Learned Advocate Ms. Ashwini Athalye, opposed the application.

5. In view of the reasons mentioned in the application, the order dated 10.02.2023 is modified and respondent No.1 is permitted to withdraw the amount of Rs.5,00,000/- on usual undertaking.

6. Civil Application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**

Sarkate