



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

CIVIL APPLICATION (CAF) NO. 1696 OF 2023

IN

FIRST APPEAL NO. 547 OF 2022

Vidarbha Irrigation Development Corporation, Minor Irrigation Department-II,
Karanja, Dist. Washim

..VS..

Santosh Harikisan Gadhwe and others

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

Court's or Judge's orders

Mr. P.P. Thakare, Advocate h/f. Mr. A.M. Kukday, Advocate for
appellant.

Mr. Kunal Dhoble, Advocate h/f. Mr. Bhushan Dafle, Advocate for
respondent No.1.

Ms. T.H. Udeshi, AGP for respondent Nos.2 and 3.

CORAM : G.A. SANAP, J.

DATED : 28th AUGUST, 2023

Heard.

2. This is an application made by respondent No.1 for withdrawal of the amount deposited by the appellant in terms of order dated 24.01.2023. The amount deposited as per the report is Rs.36,39,478/- (Rupees Thirty Six Lacs Thirty Nine Thousand Four Hundred Seventy Eight only). The reasons have been stated in the application.

3. In view of the reasons stated in the application, the application is allowed.

4. The respondent No.1 is allowed to withdraw the amount of Rs.36,39,478/- (Rupees Thirty Six Lacs Thirty Nine Thousand Four Hundred Seventy Eight only). The respondent No.1 is allowed to withdraw 50% of the amount subject to undertaking that in case the appeal is

decided against the respondents, then respondent No.1 will deposit the amount, as directed by this Court, with interest, as decided by the Court. The remaining 50% of amount is allowed to be withdrawn on furnishing solvent surety.

5. The amount be paid to the respondent No.1 within three weeks.

6. The application stands **disposed of**, accordingly.

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7. Eight weeks time is granted for filing paper book.

8. Stand over after eight weeks.

(G.A. SANAP, J.)