



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

**CAF NO.3545 OF 2023 IN
FIRST APPEAL st NO.522 OF 2023**

V.I.D.C., THROUGH ITS EXE. ENGINEER, AMRAVATI PROJECT CONSTRUCTION DIVISION
AND OTHER VS SAU. MANDABAI DEVIDAS MISAL AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. P.B. Patil, Advocate for the Appellant/s
Mr. Abhijeet Deshmukh, Advocate for the respondent No.1

CORAM : ANIL S. KILOR, J.
DATE : 30.11.2023

1. This is an application moved by the respondent No.1 for withdrawal of amount deposited by the appellants/VIDC.
2. The appellants deposited Rs.11,49,610/- towards enhanced compensation granted by the Reference Court.
3. The application is being opposed by the appellants on the ground that the appellants have a very good case on merits and there is every possibility that the appellants would succeed in the matter.
4. In the circumstances, I am of the opinion that if the respondent No.1 is permitted to withdraw 25 % of the amount on furnishing solvent security and 50 % of the amount on an undertaking that if he fails in the present matter, he would deposit the amount back, the ends of justice would be subserved. Accordingly, the application is **partly allowed**.

Corrections
carried out as
per Court's
order dated
25.04.2024

5. The applicant/respondent No.1 is permitted to withdraw 25 % of the amount on furnishing solvent security or solvent surety and 50 % of the amount on the undertaking i.e. 75 % of the total amount of Rs.11,49,610/- deposited by the appellants.

6. The application is **disposed of**.

[ANIL S. KILOR, J.]