



3IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 644 OF 2021
IN FIRST APPEAL NO. 670 OF 2017 (D)

Executive Engineer, Lower Wardha Project Division, Wardha

..vs..

Vikas Vigyanchand Jain and ors.

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

Court's or Judge's orders

Shri S.K. Bhoyar, Advocate for the appellant.
Shri Luley, Assistant Government Pleader for the State.
Shri V.T. Deshpande, Advocate a/w Shri K.J. Topale, Advocate
for the respondent no.1/applicant.

CORAM: VINAY JOSHI, J.
DATED : 12/07/2024.

Heard.

2. This is an application of respondent no.1-claimant seeking modification of order of this Court dated 14.11.2019 by which the petitioner was permitted to withdraw the compensation amount partially (50%) on usual undertaking and remaining amount (50%) partially on furnishing solvent surety to that extent.

3. The applicant would submit that he was not in a position to make arrangement for furnishing solvent surety. In the circumstance, the modification is sought to that effect.

4. The record indicates that the appellant has not complied with the conditional order dated 05.05.2017 having effect of dismissal of appeal at the end of the year 2017. Till date, the application for restoration has not been filed meaning thereby the appellant has no interest.

5. In the circumstance, I see no reason to deny the urge of the applicant. In view of that, the order dated 14.11.2019 is hereby modified by modifying the condition of solvent surety and now, the applicants are permitted to withdraw the entire compensation amount with accrued interests on furnishing usual undertaking to the satisfaction of the Registrar (Judicial).

6. The application stands disposed of.

(VINAY JOSHI, J.)

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