



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

CIVIL APPLICATION (CAO) NO.708 OF 2024
IN
CIVIL APPLICATION (CAF) NO. 3037 OF 2023
IN
FIRST APPEAL NO. 788 OF 2023

V.I.D.C., Washim

.Vs.

Narayan Kisan Chopde and others

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

Ms Ujjwala Patil, Advocate for the applicant

Mr V. B. Gawali, Advocate for respondent Nos. 1 & 2

CORAM : G.A. SANAP J.

DATE :SEPTEMBER 20, 2024

Heard.

2. This is an application for modification of the order dated 03.10.2023 whereby respondent Nos. 1 and 2 have been allowed to withdraw 90% of the balance amount with accrued interest. Out of said 90% of the amount, the 70 % amount is allowed to be withdrawn on furnishing usual undertaking and 30% amount is allowed to be withdrawn on furnishing solvent surety.

3. It is stated that respondent Nos. 1 and 2 has withdrawn 70% amount on furnishing usual undertaking by. However, respondent Nos. 1 and 2 are finding it very difficult to get the solvent surety for the balance 30%

amount. They are able to get solvency for amount of Rs.31,30,000/-. It is submitted that out of 30% amount they may be directed to furnish solvent surety for withdrawal of Rs.30,00,000/- and the remaining amount of 30% be allowed to be withdrawn on furnishing undertaking.

4. Considering the facts and circumstances, the application is allowed. The order dated 03.10.2023 is accordingly modified. Out of 30% amount which was allowed to be withdrawn on furnishing solvent surety, the amount of Rs.30,00,000/- is allowed to be withdrawn on furnishing solvent surety and remaining amount on furnishing usual undertaking. Accordingly, the last line of para No.3 be modified as :

“out of remaining 30% amount, the amount of Rs.30,00,000/- is allowed to be withdrawn on furnishing solvent surety and remaining amount on furnishing usual undertaking.”

5. The civil application stands **disposed of**, accordingly.

(G. A. SANAP, J)