



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

CIVIL APPLICATION (CAF) NO. 1964 OF 2024
IN
FIRST APPEAL NO. 1531 OF 2019

THE EX. ENGINEER, MEDIUM PROJECT, YAVATMAL, PRESENTLY EX. ENGG., YAVATMAL PROJECT CONSTRUCTION
DIVISION, YAVATMAL

—Vs. —

NILKANTH BHOJRAJ RATHOD AND ORS.

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

Court's or Judge's Order

Shri N.A.Waghmare, Advocate h/f. Shri P.B. Patil, Advocate for appellant.
Shri A.B. Nakshane, Advocate for respondent nos. 1A to 1C/Cross-
Objectors/applicants.
Shri M.A.Kadu, AGP for respondents/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 29/07/2024

This is an application for withdrawal of amount under award deposited with this Court.

2. The learned counsel for the applicants submitted that the respondent no. 1 died after passing an order by this Court for withdrawal of balance 50% amount on furnishing solvent surety/security. In the mean time, before furnishing the solvent surety/security, respondent no. 1 died.

3. Now, his legal heirs are brought on record and they prayed for withdrawal of balance 50% amount on the same terms i.e. executing of solvent surety/security.

4. Perused the application.

5. Heard the learned Advocates for both sides.

6. Considering the peculiar and admitted facts of this case, particularly earlier order of this Court dated 18/02/2021, the application deserves to be allowed as prayed for. As such, the application is allowed.

7. Registry is directed to pay the balance 50% amount to the Power of Attorney Holder i.e. respondent no. 1(b) on furnishing of solvent surety/security and after verification of power of attorney.

8. Accordingly, the application stands disposed of.

CROSS-OBJECTION NO. 79 OF 2022

9. Heard the learned Advocates for both sides.

10. **Admit.**

11. Issue notice to the respondents, returnable after four weeks.

12. Shri M.A. Kadu, learned AGP waives notice for respondent nos. 1 and 2/State.

13. Shri N.A. Waghmare, learned Advocate h/f. Shri P.B. Patil, learned Advocate waives notice for respondent no. 3 (original appellant).

(SANJAY A. DESHMUKH, J.)