



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

**FIRST APPEAL NO.1288 OF 2024**

(Vidarbha Patbandhare Vikas Mahamandal, thr. Executive Engineer, Wan Project  
Division, Shegaon, Dist. Buldhana Vs. Jahannath s/o Devidas Sabe and others)

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

*Court's or Judge's orders.*

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Mr. P. B. Patil, Advocate for Appellant/Applicant.  
Mr. A. S. Deshpande, Advocate for Respondent Nos.1 & 2.  
Ms. M. R. Kavimandan, AGP for Respondent Nos.3 & 4/State.

**CORAM: ROHIT W. JOSHI, J.**

**DATE: 13<sup>th</sup> FEBRUARY, 2025.**

1. Heard.
2. **Admit.**
3. Call for record and proceedings.

**CIVIL APPLICATION (F) NO.2750/2024:**

1. Heard.
2. Since the appellant has deposited the amount in terms of order dated 11.10.2024 the ad-interim relief granted stands confirmed.

**CIVIL APPLICATION (F) NO.491/2025:**

1. Heard.
2. This is an application by the respondent nos.1 and 2 original claimant seeking permission to withdraw the

amount deposited by the appellant with this Court pursuant to order granting stay to execution of the impugned award. In other matters permission to withdraw 75% of the total amount has been granted. In that view of the matter, in the present case also the respondent nos.1 and 2 are permitted to withdraw the amount deposited by the appellant along with accrued interest on furnishing usual undertaking. In connected matters 50% amount is permitted to be withdrawn on undertaking and 25% amount is permitted to be withdrawn on furnishing solvent surety. However, in view of statement made by Mr. Deshpande that the land in the entire village has been acquired, and therefore, it is not possible to arrange for solvent surety, permission is granted to withdraw amount on furnishing usual undertaking. The appellant had deposited meagre amount of Rs.4,34,222/- which is also a consideration for permitting the respondent nos.1 and 2 to withdraw the amount without furnishing solvent surety. It is also necessary to note that it is undisputed that the land of entire village has been acquired and therefore, it is difficult for the respondent petitioner to arrange for solvent surety.

**(ROHIT W. JOSHI, J.)**