



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

CIVIL APPLICATION (CAF) NO.3491 OF 2024 IN
FIRST APPEAL NO.823 OF 2015

The Executive Engineer, Lower Wardha Project Division, Wardha .Vs. Gulabrao
Pundlikrao Pawade and others

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

Court's or Judge's Order

Ms A.S. Athalye, Advocate for appellant.

Shri N.R. Saboo, Advocate for respondent Nos.2 to 4.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 17/12/2024

1. This is an application for permission to withdraw the remaining amount on usual undertaking.
2. The learned advocate for the respondents / claimants submitted that, some of the claimants are senior citizens they have need of money for medical expenses and family responsibilities.
3. Heard learned advocates for both sides.
4. Perused the application.
5. The learned advocate for the respondents pointed out order dated 13.10.2015 in which direction was given to the registry to give Rs.50,00,000/- on usual undertaking and Rs.50,00,000/- on solvent surety/security. At the same time, the Court directed to withdraw Rs.50,00,000/- on furnishing solvent surety/security. The learned advocate for the respondents/claimants submitted

that since last more than nine years they could not furnish solvent surety/security therefore, considering their financial crises of medical expenses, the claimants are permitted to withdraw remaining amount of Rs.50,00,000/- on usual undertaking.

6. The learned advocate for the appellant strongly objected the application.

7. Considering submissions of both sides and need of money, it would be proper to direct the Registry to pay Rs.50,00,000/- on usual undertaking to the claimants.

8. The appeal is pending since nine years. Considering this aspect, hearing of the appeal is expedited.

9. Application is **allowed** and **disposed**.

(SANJAY A. DESHMUKH, J.)