



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

CIVIL APPLICATION (CAF) No.1817 of 2024
IN
FIRST APPEAL No.598 OF 2024

(The Executive Engineer, Arunavati Project, Digras, Distt. Yavamtal Vs. Mandabai Manohar
Kakade (dead), through LRs. 1) Smt. Vaishali Sunil Raut and others)

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

Court's or Judge's orders.

Mr. T.M. Zaheer, Advocate for appellant.
Mr. V.N. Patre, Advocate for respondent Nos.1 to 3.
Mr. M.A. Kadu, AGP for respondent Nos.4 and 5.

CORAM : SANJAY A. DESHMUKH, J.
DATE : 23rd JULY, 2024.

1. This is an application for withdrawal of amount under Award deposited by the appellant in this Court.
2. Perused the application.
3. Considering the reasons stated in the application, the application is allowed in the interest of justice as prayed.
4. The applicants/respondent Nos.1 to 3 are permitted to withdraw Rs.67,87,583/- along with accrued interest thereon.
5. Out of the above amount the applicants/respondent Nos.1 to 3 are permitted to withdraw 75% amount by furnishing usual undertaking and 25% amount by furnishing solvent surety.
6. The registry is directed to pay the said amount

as per power-of-attorney executed by respondent Nos.1 and 2 in favour of respondent No.3 after verification.

7. The application is disposed of.

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1. **Admit.**

2. Issue notice to the respondents.

3. Mr. V.N. Patre, learned Advocate waives service of notice on behalf of respondent Nos.1 to 3.

4. Mr. M.A. Kadu, learned Advocate waives service of notice on behalf of respondent Nos.4 and 5.

5. Call R. & P.

6. Twelve weeks' time is granted for filing of private paper-book after receipt of record and proceedings.

7. Learned Advocate for the appellant submits that cheque issued by the appellant was cancelled. He, therefore, seeks permission to submit fresh cheque within two weeks. Already this Court has passed order of withdrawal of said amount. The claimants are entitled to withdraw the said amount as per the order passed by this Court.

8. Registry is directed to pay that amount upon depositing fresh cheque.

(SANJAY A. DESHMUKH, J.)