



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

CIVIL APPLICATION (CAF) NO. 412 OF 2025
IN
FIRST APPEAL NO. 456 OF 2022

Vidharba Irrigation Development Corporation through Executive Engineer, Minor
Irrigation Department II, Karanja, Distt. Washim
..VS..
Ramesh Rambhau Wakte (Patil) and two others

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

Court's or Judge's orders

Mr. Vedant D. Akhade, Advocate h/f. Mr. Amit Kukday, Advocate for
Appellant.
Mr. A. R. Patil, Advocate for Respondent No.1.
Mr. S. B. Bissa, AGP for Respondent Nos.2 and 3.

CORAM : SMT. M.S. JAWALKAR, AND
PRAVIN S. PATIL, JJ.

DATED : 10th JULY, 2025

1. Present application is filed for grant of permission to withdraw the remaining 50% compensation amount deposited by the Appellant in this Court.
2. The Appellant has deposited the compensation amount as per Award in pursuant to order dated 27.07.2022 in this Court. Out of the said amount, this Court already allowed the Respondent No.1 to withdraw 50% amount on usual undertaking as it was submitted by the learned Counsel for Respondent No.1 that Respondent No.1 is not in a position to furnish the solvent surety. However, learned Counsel for Respondent No.1 submits

that Respondent No.1 can be furnished solvent surety if the remaining amount is disbursed.

3. The request of Respondent No.1 is vehemently opposed by the Appellant.

4. In our considered opinion there will not be any loss to the Appellant if the remaining 25% amount is permitted to withdraw on furnishing solvent surety by Respondent No.1. Accordingly, we pass the following order :

- (i) The Civil Application is partly allowed.
- (ii) The Respondent No.1 is hereby allowed to withdraw 25% amount of compensation so deposited by the Appellant in this Court on furnishing solvent surety to the satisfaction of the Nazir.
- (iii) The Nazir to release 25% compensation amount in favour of Respondent No.1 after solvent surety is furnished.
- (iv) The Respondent No.1 shall furnish solvent surety within a period of four weeks.

The Civil Application stands disposed of.

(PRAVIN S. PATIL, J.)

(SMT. M.S. JAWALKAR, J.)