



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

CIVIL APPLICATION NO.209 OF 2025

IN

FIRST APPEAL NO.837 OF 2024

V.I.D.C., CORPORATION, THR. EXE. ENGINEER, LOWER WARDHA PROJECT
DIVISION, WARDHA

VS

PRAKASH SUNDARLAL \ KELA AND OTHERS

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

Court's or Judge's order

Ms A.S. Athalye, Advocate for the appellant/s
Mr. T.U. Tathod, Advocate for the respondent No.1
Ms Hemlata Dhande, AGP for the respondent-State

CORAM : ROHIT W. JOSHI, J.

DATE : 28th January, 2025

1. By Order dated 25.09.2024, the respondent No.1/applicant was permitted to withdraw 75% amount deposited by the appellant with this Court. 50% amount was allowed to be withdrawn on furnishing undertaking and 25% amount was allowed to be withdrawn on furnishing solvent surety.

2. By the present application, the respondent No.1 prays that instead of solvent surety, he may be permitted to furnish solvency certificate for withdrawal of 25% amount.

3. The respondent No.1 has placed on record solvency certificate dated 24.10.2024 issued by the Sub-Divisional Officer, Amravati on the basis of declaration made by the respondent No.1.

4. In my considered opinion, it will not be proper to

permit the respondent No.1 to withdraw the amount on the basis of the said solvency certificate. However, in the event the respondent No.1 files an affidavit, explaining his ownership over the subject property i.e. Nagar Bhumapan No.13/2/3, Nazul Sheet No.19, Flat No.B-2, Mouza Peth, Amravati, District Amravati along with undertaking that the property is not encumbered and no third party right is created over it till date and further that till the final disposal of the appeal as also adjustment of the amount, if any, subject to outcome of the appeal, he will neither encumber the property in any manner whatsoever or create any third party interest over the same, he may be permitted to withdraw the additional 25 % amount as prayed.

5. The Registrar (Judicial) to satisfy himself as regards the title of the respondent No.1 over the subject property before allowing disbursal of the amount.

(ROHIT W. JOSHI, J.)