



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

CIVIL APPLICATION (CAF) NO. 424 OF 2025

IN

FIRST APPEAL NO. 912 OF 2024

UNION OF INDIA AND OTHERS

Vrs.

SHRI AVADHUT HARIBHAU KAMDI AND ANOTHER

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

Court's or Judge's Order

Shri V. M. Gadkari, Advocate for appellants.
Shri N. M. Kamble, Advocate for respondent No.1.
Ms. M. R. Kavimandan, AGP for respondent No.2.

CORAM: ROHIT W. JOSHI, J.

DATE : 10/02/2025.

1. The respondent No.1 – original claimant has moved this application seeking withdrawal of the amount deposited by the appellants, as directed by this Court while granting stay to the execution of the impugned Judgment and award.
2. Learned counsel for the appellants opposes the application saying that the enhancement granted is exorbitant and therefore, permission to withdraw the amount may be rejected.
3. Having perused the reasons recorded by the learned Reference Court, it appears that the learned Reference Court has recorded proper reasons for granting enhancement.

4. In view of aforesaid, I am of the considered opinion that the respondent No.1 should be permitted to withdraw 75% of the amount deposited, subject to furnishing usual undertaking for 50% of the amount and the solvent surety/bank guarantee for remaining 25% amount along with accred interest.

5. In the event bank guarantee is furnished, the same shall be renewed till the final disposal of the appeal.

[ROHIT W. JOSHI, J.]

Choulwar