



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

CAF NOS. 802/2025 & 889/2025 IN FIRST APPEAL NO. 52 OF 2024

The Executive Engineer, Upper Painganga Project Division, Umerkhed
Vs.

Rangrao Marotrao Chandre (dead) through LR.

WITH

CAF NOS. 804/2025 & 879/2025 IN FIRST APPEAL NO. 146 OF 2024

The Executive Engineer, Upper Painganga Project Division, Umerkhed
Vs.

Kisan Maroti Yerawar (dead) through LR.

WITH

CAF NO. 810/2025 & 868/2025 IN FIRST APPEAL NO. 150 OF 2024

The Executive Engineer, Upper Painganga Project Division, Umerkhed
Vs.

Sk. Hidayat Sk. Fakira and others

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

Court's or Judge's Order

Shri Pratik M. Jain h/f. Shri M. R. Johrapurkar, Advocate for appellant.
Shri Anuj R. Patil, Advocate for respondent nos. 1 to 7.
Shri G. S. Umale, AGP for respondent/State.

CORAM :- M. W. CHANDWANI, J.

DATED :- 16.10.2025

It appears that initially, the claimants were allowed to withdraw 50% of the compensation amount (25% on usual undertaking and 25% on furnishing solvent surety) vide order dated 19.08.2024. However, subsequently, the said order was modified and while modifying the order, this Court inadvertently allowed 75% of the amount to be withdrawn (50% amount of

usual undertaking and 25% amount on furnishing solvent surety) whereas, in all other matters arising out of the same award, 50% of the amount was allowed to be withdrawn.

2. Pursuant to the said order, it is reported that in all the three matters, 75% amount had already been withdrawn by the claimants. Hence, to avoid further complication it will be expedient to direct the claimants to furnish solvent surety in respect of 25% of the excess amount withdrawn by them from the decretal amount.

3. The claimants are directed to furnish solvent surety of 25% of the excess amount withdrawn by them from the decretal amount within four weeks.

4. The applications are disposed of.

FIRST APPEAL NOS. 51/2024 & 53/2024

5. Initially, the claimants were allowed to withdraw 50% of the decretal amount (25% on usual undertaking and 25% on furnishing solvent surety). Thereafter, the claimants moved an application for relaxing the condition of furnishing of solvent surety. However, while passing the order, inadvertently it was recorded by this Court in the order that the claimants are entitled to withdraw 75% of the decretal amount (50% on usual undertaking and 25% on furnishing solvent surety). It is reported that the claimants have only withdrawn an amount to the tune of 50% of the compensation.

6. Considering these peculiar facts, the order is required to be modified to the extent that the claimants are only entitled to withdraw 50% of the amount on usual undertaking, which they have already done.

7. Hence, it is directed that the claimants shall not withdraw the remaining amount without further orders from this Court till disposal of the appeal.

(M. W. CHANDWANI, J.)