

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 3708 OF 2015
IN
WRIT PETITION NO. 1162 OF 2015**

Babu alias Suryabhan Sitaram Gaikwad
and another

...APPLICANTS

versus

Tulsabai Sitaram Gaikwad & ors.

...RESPONDENTS

.....
Mr. M.S. Indani, Advocate for applicants
Mr. S.V. Natu, Advocate for respondents
.....

CORAM : SUNIL P. DESHMUKH, J.

DATED : 27th MARCH, 2015

Order :-

1. Learned counsel for the applicants-petitioners have moved this application seeking modification in the order dated 11th February, 2015, whereunder this Court directed the applicants-petitioners to deposit a sum of Rs. 10,000/- in trial Court.
2. It is being submitted by learned counsel for the applicants that there are various difficulties. In fact, there are drought situation and today the petitioners are facing cash starvation and are absolutely not in a position to comply with the order dated 11th February, 2015 within a period as stipulated. He further submits that applicants-petitioners be allowed to furnish surety

and they would deposit the amount, as directed, in installments within a period of six months. Mr. Natu, learned counsel appearing for respondents has some reservations.

3. In view of aforesaid and looking at cash starved condition of applicants-petitioners, I deem it appropriate to allow the applicants - petitioners to furnish surety for Rs.10,000/- which shall be remain alive through out pendency of the suit and further that amount as directed to be deposited in the trial court under order dated 11th February, 2015 be paid in installments within a period of six months from 11th February, 2015.

4. Civil application is allowed in aforesaid terms and stands disposed of accordingly.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK