

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

CIVIL APPLICATION NO. 9483 OF 2015
IN
FIRST APPEAL NO. 1520 of 2014

Umesh Shivajirao Deshmukh, died,
through legal representatives :-
Vrushali Umesh Deshmukh and ors. .. Applicants

versus

The Special Land Acquisition Officer,
Jalgaon, and another .. Respondents

WITH
CIVIL APPLICATION NO. 9492 OF 2015
IN
FIRST APPEAL NO. 59 OF 2015

Jagannath Ananda Patil, died, through
Legal Representatives : -
Sakhubai Jagannath Pawar and others .. Applicants

vs

The Special Land Acquisition Officer,
Jalgaon, and another .. Respondents

WITH
CIVIL APPLICATION NO. 9493 OF 2015
IN
FIRST APPEAL NO. 60 OF 2015

Ashok Rajaram Patil and others .. Applicants
vs

The Special Land Acquisition Officer,
Jalgaon, and another .. Respondents

Mr. Ajit B. Kale, Advocate for applicants
Mrs. R. K. Ladda, Asstt. Govt. Pleader for respondent no.1
Mr. S. V. Mundhe, Advocate for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.
11TH DECEMBER, 2015

ORDER:

1. These are the applications moved by original claimants seeking modification in order dated 19-12-2014 in civil applications no. 12875 of 2014, 12920 of 2014 and 9493 of 2014 in aforesaid respective first appeals whereunder they were allowed to withdraw half of the amount on furnishing a solvent security to the satisfaction of the Registrar (Judicial) and rest on the basis of undertaking referred to in clause (ii) of paragraph no.5 of said order.

2. These applications have been moved for modification insofar as the first condition of furnishing a solvent security is concerned, requesting that instead of solvent security, applicants may be allowed to give solvent surety, for, applicants are not possessed of immovable property of which solvent security can be given.

3. Learned counsel further submits that applicants would give solvent surety of his relatives, for, they are possessed of certain properties and that under the procedure for furnishing solvent surety, the properties of the sureties are secured by creation of

charge over the same. He therefore urges for modification that instead of requiring the applicants to furnish solvent security, they be permitted to furnish solvent surety.

4. Learned counsel for respondents, however, has reservations about aforesaid submissions and is reluctant to accede to the request being made on behalf of the applicants for various reasons, for, in the first place, it is being submitted that the security may provide for better assurance rather than having surety which is being given by person since there is no information of the third party. It is further being submitted that under the garb of modification, in fact, what is being sought is review of the order and no ingredients can be said to be available for review of the order.

5. However, it appears that despite resistance, veracity of the submissions on behalf of the applicants that they are left with no immovable property which can be offered as solvent security, is not seriously challenged.

6. Learned counsel for the applicants refers to various orders under which the High Court has allowed withdrawal of the amount on furnishing solvent sureties i.e. in civil application no. 6421 of 2015 in first appeal no. 2481 of 2015 as well as civil application no.6389 of 2015 in first appeal no. 1991 of 2014 and other companion civil applications.

7. In view of aforesaid, I deem it appropriate that the request for modification can be favorably considered in the present applications, with substitution of condition for furnishing solvent security, by furnishing two solvent sureties as it is being given to understand that accordingly charge would be created over properties of sureties.

8. As such, fifty per cent of the amount pursuant to the order dated 19-12-2014 as referred to in clause (i) of paragraph no.5, would be allowed to be withdrawn by the applicants-claimants on furnishing two solvent sureties both severally covering up entire 50% of award amount to the satisfaction of the Registrar (Judicial) of this court.

9. Civil applications stand disposed of.

SUNIL P. DESHMUKH, J.

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