

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

**CIVIL APPLICATION NO. 9741 OF 2014  
IN  
APPEAL FROM ORDER NO. 56 OF 2014**

Vasant Kishanrao Joshi

... Applicant

**VERSUS**

Bhaskar Narhar Joshi

... Respondent

.....  
Mr S. P. Katneshwar, Advocate for applicant  
Mr Milind Patil, Advocate for respondent  
.....

CORAM : **S. V. GANGAPURWALA, J.**  
DATE : **21<sup>ST</sup> AUGUST, 2015.**

**PER COURT:**

. This is an application seeking modification of the order dt. 8.5.2014, passed by this Court, allowing the applicant to withdraw the amount by furnishing Solvent Security instead of Bank Guarantee.

2. This Court vide order dt. 8.5.2014, had allowed the present applicant to withdraw the amount on furnishing solvent security with one surety to that effect. By the present application, the applicant has shown his readiness to submit Bank Guarantee of the said amount.

3. I have heard the learned counsel for the non-applicant also. He submits that, in fact, the applicant should not be allowed to withdraw the amount. Injunction application itself is restraining the applicant from withdrawing the amount.

4. The order is already passed by this Court on 8.5.2014 allowing the applicant to withdraw the amount on furnishing solvent security with one surety of the like amount. Ld Counsel for the applicant relies on the order passed by this Court in Writ Petition No. 9617 of 2013, dt. 17.04.2014 allowing the applicant to withdraw the amount on furnishing Bank Guarantee.

5. In fact, Bank Guarantee would be a better security even for the non-applicant.

6. Considering the above, I pass the following order.

**ORDER**

(i) The order dt. 8.5.2014 passed in AO 56/2014 with CA No. 4412/2014 is modified to the extent that “instead of solvent security with one surety, the applicant is allowed to withdraw the said amount on furnishing Bank Guarantee of any Scheduled Bank”.

7. Civil Application stands disposed of accordingly.

**[ S. V. GANGAPURWALA, J. ]**

sgp