

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2218 OF 2016
IN FA/657/2009 WITH CA/13472/2009 IN FA/657/2009

SALURAM BALA MITHE AND ORS
VERSUS
THE CIDCO MAHARASHTRA AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. Jayabhar Dattatraya R.
Advocate for Respondent No.1 : Mr. A.S. Bajaj
AGP for respondent No.2: Mr. S.N.Morampalle
Advocate for respondent No.3: Mr. M.S. Choudhary
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CORAM : V. K. JADHAV, J.
DATED : 8th JULY, 2016

PER COURT:-

1. Heard both sides.
2. The Division Bench of this Court has permitted the applicants herein to withdraw 25% of the amount awarded by the Reference Court by furnishing bank guarantee of any Nationalized Bank to the satisfaction of Registrar (Judicial) of this court and the bank guarantee shall be operational till the hearing and final disposal of the appeals.
3. By filing the present application, the applicants are seeking permission of this court to furnish the solvent surety instead of bank guarantee on the grounds as mentioned in the civil application.

4. Learned counsel for the respondents acquiring body has strongly opposed the application.

5. Learned counsel for the applicants has pointed out that this Court by order dated 18.01.2016 has allowed the applicants therein to furnish solvent surety instead of bank guarantee by modification of earlier order passed in the same group of appeals.

6. In view of the above and for the reasons stated in the application, the order dated 16.8.2011 is modified and the applicants are hereby permitted to withdraw the amount to the extent of 25% by furnishing solvent surety instead of Bank Guarantee of Nationalized bank, as directed by the Division Bench of this Court vide order dated 26.8.2011.

7. Civil application is disposed of accordingly.

(V. K. JADHAV, J.)

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