

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

928 CIVIL APPLICATION NO. 2583 OF 2016
IN FA/660/2009 WITH CA/5088/2010 IN FA/660/2009

DHONDIBA SANTU POPALE DIED THR HIS LRS LAXMIBAI DIED
VITTHALRAO DHONDIBA POPALE
VERSUS

THE CIDCO MAHARASHTRA AURANGABAD AND ORS

...
Advocate for Applicant : Jayabhar Dattatraya R.
AGP for Respondent 2 : K.N. Lokhande
Advocate for Respondent 1 : A.S. Bajaj
...

CORAM : T.V. NALAWADE, J.
DATED : 1st March, 2016.

ORDER :

1. Civil Application No. 2583/2016 is filed for modification of the order made by this Court while releasing the compensation amount. Seen the copies of orders made by the Division Bench of this Court on 26.8.2011 and then on 19.6.2015. On the basis of order made by the Division Bench of this Court in CA No. 6611/2015 in which condition was modified and in place of bank guarantee, solvent surety was allowed to be given. This Court has made similar orders in favour of claimants.

2. The learned counsel for Acquiring Body produced the order made by other Division Bench in CA No. 3697/2014 dated 27.6.2014. He submitted that other Division Bench has refused in the year 2014 to modify the condition. As subsequently,

different view was taken by other Division Bench on 19.6.2015 and this view is already followed, this Court holds that application needs to be allowed and condition needs to be modified.

3. So, Civil Application No. 2583/2016 is allowed and the condition is modified. In respect of 25% of amount, which was to be released on the basis of bank guarantee, in its place solvent surety is to be accepted and the amount is to be released. Both the civil applications are disposed of.

[T.V. NALAWADE, J.]

ssc/