

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO.10952 OF 2016
IN FA/852/2005

JAGARAM FAKIRA RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr. Kale Ajeet B.
Mr. SN Morampalle, AGP for Respondents: 1 & 2;
Mr. S.G. Sangale Adv For R/3.

CORAM : P.R.BORA, J.

DATE : 5th August, 2016.

PER COURT :

1) Heard. Present application is filed for modification of the order passed by this Court on 10th August, 2007 by which this Court has allowed the original claimant to withdraw the deposited amount subject to condition of giving bank guarantee in respect of 50% of the said amount.

2) Learned Counsel for the applicant has placed on record another order passed by this Court in CA No.9778/2014 in First Appeal No. 859/2005, wherein this Court has modified the

condition of furnishing bank guarantee and permitted the claimants to furnish a solvent surety. The learned Counsel for the applicant submitted that the present appeal and the First appeal No.859/2005 are arising out of the same acquisition proceedings. The learned counsel, therefore, prayed for modification of the order in the present matter also, thereby permitting the applicants to withdraw 50% of the amount on furnishing solvent surety in the like amount instead of bank guarantee.

3) In view of the fact that in similar matters, the Court has allowed the claimants to withdraw the 50% amount on furnishing a solvent surety, I do not see any reason to take any contrary view. Hence, the following order, -

ORDER

- i) The application is allowed;
- ii) The order passed on 10th August, 2007 is modified to the effect that the claimant is allowed to withdraw 50% of the

deposited amount on furnishing a solvent
surety in the like amount instead of bank
guarantee;

iii) CA disposed of.

(P.R.BORA)
JUDGE

bdv/