

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

928 CIVIL APPLICATION NO. 12618 OF 2015
IN FA/845/2005 WITH CA/12617/2015 IN FA/857/2005
WITH CA/12636/2015 IN FA/851/2005 WITH
CA/12835/2015 IN FA/863/2005 WITH CA/12844/2015 IN
FA/843/2005 WITH CA/12907/2015 IN FA/858/2005

Motibai Harchand Chavan.

.. Applicant.

Versus

The Collector, Aurangabad
And Others.

.. Respondents.

Shri. A.B. Kale, Advocate, for applicant.

Shri. S.G. Sangale, Advocate, for respondent No.3.

CORAM: T.V. NALAWADE, J.

DATE : 29th JANUARY 2016

ORDER:

1) The applications are filed for modification of the order made by this Court on 22-4-2008 by which this Court has allowed the original claimants to withdraw the amount subject to condition of giving bank guarantee in respect of 50%. Both sides are heard. Copy of order made by this Court in Civil Application No.9778 of 2014 in First Appeal No.859 of 2005 is produced on the record. Learned counsel for the acquiring body admits that this

mater had arisen out of the same group. It appears that this Court modified the order of imposing of condition of bank guarantee and directed the claimants to furnish solvent security. However, this Court holds that solvent surety needs to be taken in respect of the amount which is to be released.

2) So, the applications are allowed. The earlier orders are modified to the effect that the claimants are allowed to withdraw 50% of the amount on furnishing solvent surety in the like amount in stead of bank guarantee. The claimants are are allowed to withdraw the remaining amount on furnishing undertaking undertaking to this Court that in the event of success of appeal, the applicants would re-deposit the amount in this Court within a period of six weeks from such decision.

Sd/-
(T.V. NALAWADE, J.)

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