

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, Court's orders or directions and Registrar's orders.	Notes, of Coram, Court's orders or Registrar's orders.	Court's or Judge's orders.
--	--	----------------------------

CIVIL APPLICATION NO. 15589 OF 2015
IN FA/664/2009 WITH CA/13471/2009 IN FA/664/2009

NAMDEO EKNATH KHOTKAR THR LRS RAMBHABAI AND ORS
VERSUS
THE CIDCO AURANGABAD AND OTHERS

...
Advocate for Applicants : Mr. Jayabhar Dattatraya R.
Advocate for Respondent No.1: A. S. Bajaj.
AGP for Respondent/ State: Mr. C. V. Dharurkar.

CORAM: T. V. NALAWADE, J.
DATED: 18th JANUARY, 2016.

PER COURT:

1. The application is filed for modification of the order made by this Court, Division Bench in Civil Application No.7925 of 2011 with other connected matters. At that time, in view of the pecuniary jurisdiction it was a Division Bench matter but now the matter comes to the Single Judge as per the amended Rules and so the matter is placed before this Court.
2. The learned counsel for the Applicants, original claimants submitted that the claimants are not in a position

to give bank guarantee in respect of 25% amount of compensation which is allowed to be withdrawn subject to that condition as the claimants are required to deposit huge amount for getting such bank guarantee. He has placed reliance on order made by this Court, other Division Bench in Civil Application No.6611 of 2015 dated 19th June, 2016. It appears that the order made by previous Division Bench dated 26th August, 2011 of which modification is sought, was modified for one claimant and permission was given to withdraw the amount subject to furnishing of solvent surety in respect of 25% amount. On the other hand, the learned counsel for the acquisition body has filed affidavit to oppose the application and he has produced copy of order of this Court in Civil Application No.3697 of 2014 in First Appeal No.666 of 2009 and dated 27th June, 2014. He submits that the Court had refused to modify the order.

3. It is a fact that for getting bank guarantee as per the procedure bank asks the persons to deposit huge amount. In view of this circumstance and the order made subsequently on 19th June, 2015 by this Court, the

modification needs to be made.

4. In the result, the order dated 26th August, 2011 is modified and the amount of 25% is to be released after furnishing solvent surety of such amount. In those terms, the applications stand disposed of.

(T. V. NALAWADE, J.)

Dt.18/01/2016.
ans/15589