

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

CIVIL APPLICATION NO.5039 OF 2013 IN
FIRST APPEAL NO.140 OF 2009

Gundugir s/o Harigir Giri & anr. ... APPLICANTS

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Shri V.D. Gunale, Advocate for applicants
Mrs. M.A. Deshpande, A.G.P. for R.No.1.
Shri S.S. Dande, Advocate for R.no.2
.....

CORAM: R.D. DHANUKA AND
 SUNIL K. KOTWAL, JJ.

DATED: 29th September, 2017.

ORAL ORDER:

1. By this Civil Application, the applicants seek permission to withdraw the Bank guarantee furnished by the applicants pursuant to an order passed by this Court; and also seek permission to withdraw the amount of interest accrued on the deposit amount.

2. Learned counsel appearing for the parties invited our

attention to the order dated 18.9.2017 along with order dated 21.9.2017, passed in Civil Application No.3689/2017 and other companion matters, and would submit that the said order will apply to the facts of this case. Statement is accepted.

3. The applicants are permitted to withdraw the Bank guarantee submitted by the applicants. The office is directed to return the Bank guarantee furnished by the applicants within four weeks from today.

4. Insofar as prayer for withdrawal of amount of accrued interest is concerned, the applicants are permitted to withdraw the amount of interest accrued on the Fixed Deposit upon the applicants furnishing solvent security to the satisfaction of the learned Registrar (Judicial). The learned Registrar (Judicial) shall hear both the parties before deciding the issue of solvent security. If any solvent security is furnished by the applicants, the same shall be kept alive till disposal of the First Appeal and for a period of four weeks thereafter. If the solvent security is not furnished by the applicants for any reason, the amount of accrued interest shall be redeposited by the learned Registrar (Judicial) in Fixed Deposit in any Nationalised Bank for a period of two years and thereafter for a like period after obtaining

further orders of this Court.

5. Civil Application is disposed of in aforesaid terms.

6. Parties as well as learned Registrar (Judicial) to act upon authenticated copy of this order.

(SUNIL K. KOTWAL)
JUDGE

(R.D. DHANUKA)
JUDGE

fmp/