

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

912 CIVIL APPLICATION NO. 9376 OF 2017

IN FA/2020/2016

WITH CA/9374/2017 IN FA/2019/2016

WITH CA/9375/2017 IN FA/2024/2016

RAJARAM DATTATRAYA TELANG
VERSUS
THE DIVISIONAL ENGINEER (CONSTRUCTION)
SOUTH CENTRAL RAILWAY, MUDKHED AND ANR

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Advocate for Applicant : Mr. V. D. Gunale.

Advocate for Respondent No.1 : Mr. M. N. Navandar.

AGP for Respondent No.2 : Mr. S. S. Dande.

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CORAM : **V. K. JADHAV, J.**

DATE : 14th July, 2017.

P.C.:

. Heard both the sides.

2 The learned counsel for Applicants seeks modification in the order dated 15th March, 2017 wherein this Court has permitted the Applicants to withdraw 75% of the amount on certain conditions. The learned counsel submits that so far as the condition of withdrawing of the amount to the extent of 25% on furnishing solvent surety is concerned, the Applicants being agriculturist, are not in a position to furnish solvent surety and instead the Applicants are ready to furnish solvent security on their own property.

3 The learned counsel for Respondent / acquiring body has strongly resisted the applications on the ground that in a similar situation, the Division Bench of this Court by order dated 18th July, 2014 directed the Applicants therein to furnish bank guarantee when the Applicants therein shown their inability to furnish the solvent surety as directed by the Court.

4 In the instant case, the Applicants are not in a position to furnish solvent surety as directed by this Court. So far as the order passed by the Division Bench is concerned, the Applicants therein are permitted to withdraw the balance amount of 20% on furnishing bank guarantee and so far as 80% amount is concerned, the same was allowed to withdraw on furnishing undertaking to the extent of 30% and 50% of the amount on furnishing bank guarantee.

5 In the instant case, the Applicants are ready to furnish solvent security of their own property. Otherwise also for the amount to the extent of 25%, the Applicants are giving the bank guarantee of a nationalized bank. The balance amount of 25% is lying in the Court. In view of the same, the Applicants herein are permitted to withdraw the said amount of 25% on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court instead of furnishing

solvent surety as directed by this Court in the order dated 15th March, 2017. The order dated 15th March, 2017 is modified accordingly.

6 Civil applications are accordingly disposed of.

[V. K. JADHAV, J.]

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