IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13737 OF 2017
IN
CIVIL APPLICATION NO. 13403/2016
IN
FIRST APPEAL NO. 2190 OF 2016

Laxman s/o Ganpati Madane ...Applicants
died through L.Rs.

Versus

The State of Maharashtra and another ...Respondents

Mr S.S. Manale, advocate for applicants

Mr. S.J. Salgare, Asstt. Govt. Pleader for respondent No.1

Mr. S.S. Dande, advocate for respondent No.2

CORAM : T.V. Nalawade &
Sangitrao S. Patil, JJ.
DATE : December, 04, 2017

PER COURT :

The application is filed for modification of order made by this Court on 06-03-2017 in C.A. No.13403 of 2016. This court had ordered to release 50% of the amount deposited by the acquiring body in favour of the applicants. A condition was put by the court that out of the amount which is to be released, 50% amount shall be released on furnishing solvent surety by the applicants or they can give the bank guarantee of any nationalized bank or scheduled bank.

2. In the present application, it is contended that from the date of the order, the applicant could not give the bank guarantee or solvent surety and he being a farmer, he is not in a position to get the bank guarantee of such amount or solvent surety. It is the contention that the applicant is having landed property and he can produce solvency certificate of his property and on the basis of that, he can give the security of his own property by giving bond.

3. Heard learned counsel for the other side.

4. Since it is difficult for the applicants to produce solvent surety of such a huge amount and third parties are also reluctant to give surety of such a huge amount, we are inclined to modify the condition.

5. In the result, the application is allowed. The above condition is modified. In the alternative, the applicants to produce solvency certificate in respect of their own property and give security of that land by furnishing necessary bond.

6. Registry is to intimate and after execution of the

bond, the concerned revenue authority to see that the entry of the bond is taken in the revenue record, so that the applicants would not be in a position to dispose of the property, which is given as security for getting the amount.

7. With the above modification, the application is disposed of.

[SANGITRAO S. PATIL, J.] [T.V. NALAWADE, J.]

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