

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

**CIVIL APPLICATION NO. 12005 OF 2018
IN FAST/35196/2016**

**BAPU RAMA MADDE (DIED) THR LRS ANUSAYA AND ORS
VERSUS
THE REGIONAL OFFICER, MAHARASHTRA INDUSTRIAL DEVELOPMENT
CORPORATION LTD. LATUR AND ORS.**

Mr.A.N. Irpatgire, Advocate for the applicants.

Mr.G.S. Khaire h/f. Mr.S.S. Dande, Advocate for
respondent No.1.

Mr.P.N. Kutti, AGP for the respondent/State.

**CORAM : SUNIL P. DESHMUKH &
S.M.GAVHANE, JJ.**

DATED : 22.11.2018

P.C. :-

1. Learned Counsel for the applicant states that it is difficult for him to secure solvent surety, which would secure the amount being withdrawn by offering solvent surety. He, therefore, requests for modification of order and instead of solvent surety, when third parties are reluctant to give the same and when the petitioner is possessed of some properties, which would secure interest of the respondent, the applicants be allowed to withdraw 25% of the amount on furnishing his solvent security and surety.

2. Learned Counsel for the respondents submits that already 50% amount has been withdrawn. It may not be necessary to cause any modification in the order.

3. Although learned Counsel for the respondents has submitted so, there does not appear to be any particular dispute about veracity of claims under the application. In the circumstances, it would be expedient to modify the condition of furnishing solvent surety and particularly when the petitioner is stated to be possessed of property securing amount sought to be withdrawn, the order be modified. As such, the condition in the clause (ii) of paragraph-3 of order dated 20.04.2017 referring to furnishing of solvent surety shall stand modified and the applicants be allowed to withdraw 25% of sum deposited on furnishing his solvent security and surety in the like amount. Clause (ii) shall stand modified as referred to above.

4. The Civil Application accordingly stands disposed of.

[S.M.GAVHANE, J.]

[SUNIL P. DESHMUKH, J.]