

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

CIVIL APPLICATION NO.997 OF 2019

IN

FIRST APPEAL NO. 663 OF 2009

Asaram Mahadu Thube (Died)
Through Legal Representatives.

Applicants.

Versus

CIDCO, Aurangabad & another.

Respondents.

Mr. D.R. Jaybhar, Advocate for the applicants.

Mr. R.B. Bagul, A.G.P. for State/respondent No.2.

Mr. A.S. Bajaj, Advocate for respondent No.1.

**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : 17 January 2019.

ORDER :-

. The application is filed for modification of the order made made by this Court on 26.08.2011 in various Civil Applications filed in First Appeals. This Court had allowed the original claimants to withdraw 50% of the amount awarded by Reference Court without furnishing any security, but for getting 25% more amount from the awarded amount, the applicants were expected to give security of bank guarantee of the Nationalized Bank.

2. Learned Counsel for the applicants submitted that subsequently in the same group, this Court allowed modification and allowed to withdraw 25% amount mentioned in Clause-B of the operative order by giving solvent surety. This fact is not disputed. Copy of the said order is produced which is dated 18.01.2016 made in Civil Application No.15589 of 2015. In view of that order, this Court holds that similar order needs to be made in favour of the present applicants.

3. So, the order dated 26.08.2011 is modified to allow the applicants to give solvent security of own property in view of the order made by this Court on 23.07.2018 in Civil Application No.9341 of 2018 filed in First Appeal No.664 of 2009, in place of guaranty to withdraw 25% amount mentioned in that order.

4. Learned Counsel for the Acquiring Body submitted that complete addressed of the applicants are not available and due to that Acquiring Body is facing problem.

5. The complete addresse with residential proof is to be given by the applicants and only after that the amount is to be disbursed.

6. Civil Application is disposed of accordingly.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE