

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

CIVIL APPLICATION NO.5414 OF 2019

IN FA/686/2016

**MANIK EKNATH CHIGURE (DIED) THR LRS SALUBAI AND ORS
VERSUS**

**THE EXECUTIVE ENGINEER (C.R.), DIVISION, PUNE PRO. PARTY IS THE
DY. CHIEF ENGINEER**

Mr.S.S. Manale, Advocate for the applicants.

Mr.M.N. Navandar, Advocate for respondent No.1.

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

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

DATED : 10.06.2019

P.C. :-

1. Heard learned Counsel for the appearing parties. It appears that the respondents-appellants had been directed to deposit 50% of awarded amount and that appellants have deposited the amount pursuant to order dated 15.01.2016 in Civil Application No.491 of 2016 and companion civil applications. Subsequently, under civil applications for withdrawal bearing No.13340 of 2016 and companion civil applications, present applicants were allowed to withdraw from the amount deposited, 50% on undertaking and rest of the 50% had been allowed to be withdrawn on furnishing solvent security or bank guarantee. There is no dispute on that entire amount deposited in this court has been withdrawn by the applicants, 50% on undertaking and 50% on furnishing bank guarantee of State Bank of India.

2. Learned Counsel for applicants Mr.Manale submits that bank guarantee so furnished by applicants after expiry of its period is no

longer subsisting. Apart from aforesaid, he also refers to that there are lot of difficulties been faced since the bank has been charging huge amount by way of commission. Apart from that applicants are also finding it difficult to withdraw their FDRs.

3. Learned Counsel for respondent submits that while bank guarantee had been initially given, it may not be proper now to have substitution by solvent security. However, since the amount has already been withdrawn, in the circumstances, certain security, in-deed, is required. He, therefore, submits that appropriate order be passed.

4. Having regard to that the amount deposited in this Court has already been withdrawn and while applicants are facing difficulty in renewing and continuing bank guarantee and the difficulty not being seriously disputed, we deem it appropriate that the amount directed to be withdrawn on security either by way of bank guarantee or solvent security, be secured with solvent security, as per option which had been allowed by this Court under its order in Civil Application No.13340 of 2016 and companion civil applications.

5. In view of the same, applicants are allowed to furnish solvent security in respect of amount allowed to be withdrawn under security. Application is accordingly disposed of.

[S.M.GAVHANE,J.]

[SUNIL P.DESHMUKH,J.]