IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO. 6057 OF 2019
IN FIRST APPEAL NO. 1873 OF 2014

NAGNATH MANMATHAPPA KHANAPURE (DIED) THR LRS
SONABAI W/O NAGNATH KHANAPURE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
.....
Advocate for Applicants : Mr. Hanmant Bhagwan Nandagavale
AGP for Respondents : Mr. B. V. Virdhe
.....

CORAM : V. K. JADHAV, J.
DATED : 28th JUNE, 2019

PER COURT:-

1. Heard both sides.

2. The applicants were permitted to withdraw 25% of the amount on furnishing undertaking, 25% of the amount on furnishing solvent surety and 25% of the amount on furnishing bank guarantee of any nationalized bank. The remaining amount is directed to be invested in Fix Deposit in any nationalized bank for the initial period of five years and to be renewed thereafter as directed by the Court.

3. Learned counsel for the applicant submits that the nationalized bank is insisting to keep 100% amount in the bank and only on that condition the bank is ready to issue bank guarantee. Learned counsel submits that the notification under Section 4 of the Land Acquisition Act came to be published way back in the year 2004 and the applicants are not getting the entire compensation even in the year 2019. The applicants in the alternate are ready to furnish solvent surety to the extent of the remaining amount of 25% instead of furnishing bank guaranetee.

4. Learned APP has strongly resisted the application on the ground that the applicants are permitted to withdraw 50% of the amount on undertaking and solvent surety. The order about furnishinhg bank guarantee is to the extent of 25% of the amount only. The application seeking modification is thus liable to be rejected.

5. The applicants were permitted to withdraw 50% of the amount only on furnishing undertaking and solvent surety. The applicants have already withdrawn the said amount. In view of the same, there is no reason to modify the earlier order. I do not find

any substance in this application. However, in the alternate, the applicants are permitted to furnish bank guarantee of Scheduled Bank or a bank from co-operative sector. The Civil Application is accordingly disposed of.

(V. K. JADHAV, J.)

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