

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

6 CIVIL APPLICATION NO.9886 OF 2018
IN FA/1075/2011

GOPALRAO SHANKARRAO BADADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Mahesh S. Patil.
AGP for Respondent No.1: Mr. A. V. Deshmukh.
Advocate for Respondent No.2 : Mr. D. R. Irale Patil.

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

DATE : 21st January, 2019.

P.C.:

. The application is filed for modification of the order made by this Court on 7th April, 2017 in Civil Application No.13152 of 2016 in First Appeal No.1075 of 2011 decided alongwith other civil applications. The order which was passed is as under:

“Applicants shall be permitted to withdraw interest accrued on the amount deposited in Fixed Deposit in accordance with the directives issued by Division Bench of this Court, on furnishing securing to the satisfaction of the Registrar (Judicial) of this Court.”

2 The learned counsel for Applicant submitted that it will be difficulty to give bank guarantee of the amount of Rs.80,00,000/- or more amount with interest and so he requested for modification of the order and following prayer is made:

“B) That, by modifying the order dated 07-04-2017 in Civil Application No.13152/16, the Ld. Registrar (Judicial/Administration) of this Hon'ble Court may be directed to disburse the amount of interest accrued upon the amount deposited by the Respondent No.2 by accepting solvent security/ Bank Guarantee of any Nationalised/ Scheduled / Multistate Co-operative Bank.”

3 If the prayer clause is compared with the order already made by this Court, it can be said that this Court has already left it with the Registrar (Judicial) of this Court to take decision on the kind of security, which needs to be taken for disbursement of the amount. As that is open to the Registrar (Judicial) of this Court, there is no need of modification of the order, at present.

4 Mr. D. R. Irale Patil, learned counsel submitted that he is not on the Panel of the Respondent / University and notice may be issued to

the University. As there is no question of making any order by this court in view of the aforesaid circumstances, there is no need to issue notice to the University and so the application is disposed of in aforesaid terms.

ndm

[SUNIL K. KOTWAL, J.]

[T. V. NALAWADE, J.]