

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8707 OF 2018
IN FA/1116/2016

JAMMU HUSSAIN DAUD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. D.H. Jadhavar, Advocate for applicants
Mr. S.B. Pulkundwar, AGP for respondent-State
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 18-01-2019

ORDER :

1. This application has been moved for modification of order dated 11-04-2018 passed by this court in civil application no. 4929 of 2018 and alteration of condition of furnishing bank guarantee, to that of furnishing solvent security and solvent surety, stating that amount is earnestly required by applicant no. 2 to treat his ailing wife and that while in respect of earlier withdrawal, applicants had been duped and criminal proceedings in respect of same have been initiated and are pending, however, that is hardly going to alter the situation since the applicant no.2 earnestly requires the amount to treat his wife.

2. Learned counsel for applicants submits that so far as bank guarantee is concerned, it is very difficult for applicants to muster the amount to be deposited in the bank since the bank is

asking for equal amount and the same is very difficult. It is being submitted that the applicants are possessed of sufficient immovable properties and would also be able to bring in solvent surety additionally and, thus, the request, in the circumstances, is being made to modify the condition of bank guarantee.

3. Learned Assistant Government Pleader submits that as a matter of fact having regard to the background, condition of bank guarantee has been referred to under order dated 11-04-2018 of which modification is sought under present civil application. He, therefore, submits that it is difficult to accede to request being made under the application.

4. Looking at that, the circumstances referred to under application do not appear to be seriously in dispute and since it appears that from a long time, applicant no. 2 has been requesting for release of amount in order to treat his ailing wife, it would be expedient to indulge into the request being made under present application.

5. In the circumstances, the condition of furnishing bank guarantee of nationalized bank under order dated 11-04-2018 in civil application no. 4929 of 2018 be substituted by condition of furnishing security of double the amount of withdrawal and equal amount of solvent surety.

6. As such, applicants are allowed to withdraw a sum of Rs. 4,00,000/- (Rs. Four Lakh) from the amount deposited in this court, subject to furnishing solvent security of double the amount of withdrawal and solvent surety of equal amount, to the satisfaction of Registrar (Judicial) of this court.

7. Civil application accordingly is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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