

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

**10 CIVIL APPLICATION NO.1597 OF 2021
IN FA/2235/2020 WITH CA/1605/2021 IN FA/2233/2020
WITH CA/1606/2021 IN FA/2247/2020 WITH
CA/1607/2021 IN FA/2234/2020 WITH CA/1608/2021 IN
FA/2237/2020 WITH CA/1598/2021 IN FA/2223/2020
WITH CA/1599/2021 IN FA/2225/2020 WITH
CA/1609/2021 IN FA/2229/2020 WITH CA/1610/2021 IN
FA/2245/2020 WITH CA/1611/2021 IN FA/2248/2020
WITH CA/1612/2021 IN FA/2243/2020 WITH
CA/1601/2021 IN FA/2213/2020 WITH CA/1622/2021 IN
FA/2230/2020 WITH CA/1623/2021 IN FA/2226/2020
WITH CA/1627/2021 IN FA/2231/2020 WITH
CA/1628/2021 IN FA/2219/2020 WITH CA/1629/2021 IN
FA/2241/2020 WITH CA/1630/2021 IN FA/2238/2020
WITH CA/1631/2021 IN FA/2240/2020 WITH
CA/1632/2021 IN FA/2236/2020 WITH CA/1633/2021 IN
FA/2244/2020 WITH CA/1620/2021 IN FA/2216/2020
WITH CA/1621/2021 IN FA/2227/2020 WITH
CA/1634/2021 IN FA/2239/2020 WITH CA/1635/2021 IN
FA/2232/2020 WITH CA/2899/2021 IN FA/2205/2020
WITH CA/2900/2021 IN FA/2204/2020 WITH
CA/2901/2021 IN FA/2212/2020 WITH CA/2902/2021 IN
FA/2209/2020 WITH CA/1600/2021 IN FA/2242/2020
WITH CA/1624/2021 IN FA/2222/2020 WITH
CA/1625/2021 IN FA/2221/2020 WITH CA/1626/2021 IN
FA/2228/2020 WITH CA/1613/2021 IN FA/2246/2020
WITH CA/1614/2021 IN FA/2218/2020 WITH
CA/1615/2021 IN FA/2224/2020 WITH CA/1616/2021 IN
FA/2217/2020 WITH CA/1617/2021 IN FA/2220/2020
WITH CA/1618/2021 IN FA/2215/2020 WITH
CA/1619/2021 IN FA/2214/2020**

**NAMDEO GOVIND DHARANE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,**

LATUR AND OTHERS

Mr. V. D. Gunale, Advocate for the applicants
Mr. P. M. Kulkarni, AGP for the respondent/State

CORAM : N. J. JAMADAR, J.

DATE : 01-03-2021

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. Heard learned counsel for the applicants, learned AGP and learned counsel for the respondent No.3 acquiring body.

2. These applications are preferred for modification of order passed by this court on 23-10-2020 whereby this court directed that the applicants are allowed to withdraw 50% of the amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this court and further 25% of the amount on furnishing bank guarantee of any scheduled bank to the satisfaction of the Registrar (Judicial) of this court.

3. The applicants contend that the condition of furnishing bank guarantee for withdrawal of 25% amount operates onerously. The applicants are facing financial crises and, thus, not in a position to furnish bank guarantee.

4. Learned counsel for respondent No.3-acquiring body opposed the prayer. It was submitted that the applicants have already withdrawn 50% of the amount on the basis of undertaking

only. The condition of furnishing bank guarantee is therefore necessary.

5. This court has found that the prayer for withdrawal of amount is justifiable. The claim of the applicants that the condition of furnishing bank guarantee operates onerously, in the prevailing circumstances, cannot be said to be unreasonable. The interest of securing the refund of amount in the event it is found that the applicants are not entitled to receive the amount of compensation can be taken care of by directing the applicants to furnish solvent surety instead of bank guarantee.

6. In the aforesaid view of the matter, the applications stand allowed. The condition of furnishing bank guarantee of any scheduled bank for the purpose of withdrawal of 25% of the amount stands substituted by the condition of furnishing solvent surety. Clause- II of the order dated 23-10-2020, would now read as under:-

‘II- Out of the compensation amount deposited before this Court, the applicants/original claimants are allowed to withdraw 50% amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this court and further 25% amount on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this court’.

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7. The applications stand disposed of.

[N. J. JAMADAR, J.]

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