

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

**CIVIL APPLICATION NO.8290 OF 2020
IN
FIRST APPEAL NO.3578 OF 2016**

Ismail Farid Mujawar (died), through
L.Rs. Shabbir Ismail Mujawar (died)
Through L.Rs.

1A. Mumtaj w/o. Shabbir Mujawar
and ors.

..Applicants

Vs.

The State of Maharashtra and ors.

..Respondents

Mr.R.R.Deshpande, Advocate h/f. Mr.L.C.Patil, Advocate for
applicants

Mr.A.B.Chate, Advocate for respondent – State

Mr.R.A.Tambe, Advocate for respondent no.3

**CIVIL APPLICATION NO.8291 OF 2020
IN
FIRST APPEAL NO.3577 OF 2016**

Habib s/o Ismail Mujawar

..Applicant

Vs.

The State of Maharashtra and ors.

..Respondents

Mr.R.R.Deshpande, Advocate h/f. Mr.L.C.Patil, Advocate for
applicants

Mr.A.B.Chate, Advocate for respondent – State

Mr.R.A.Tambe, Advocate for respondent no.3

CORAM : R.G. AVACHAT, J.
DATE : FEBRUARY 26, 2021

PER COURT :-

Heard learned counsel for the parties.

2. By present applications, the applicants pray that the order dated 09.03.2018 passed by this Court may be modified and the applicants may be permitted to withdraw remaining fifty percent of the amount of compensation by way of furnishing solvent surety for the said amount instead of furnishing bank guarantee.

3. The applicants, vide order dated 09.03.2018, were permitted to withdraw fifty percent of the amount of compensation deposited in this Court by the acquiring body, on furnishing undertakings. The remaining fifty percent amount was permitted to be withdrawn on the applicants furnishing bank guarantees of a nationalized bank or scheduled bank.

4. Learned counsel for the applicants submits that the applicants approached almost all the banks from their vicinity but none of the banks is ready to give bank guarantee unless

an equivalent amount is kept in fixed deposit with the bank. Learned counsel submits that the applicants are poor agriculturists and their entire land has been acquired. They are not in a position to keep such a huge amount in fixed deposit. Learned counsel also submits that the applicants are ready and willing to furnish additional undertakings to deposit said amount, if an order adverse to the applicants, is passed in the appeals filed by the acquiring body.

5. Upon hearing learned counsel for both sides and considering the reasons given in the applications, the order dated 09.03.2018 stands modified. Instead of furnishing bank guarantee, the applicants are permitted to withdraw remaining fifty percent amount of compensation deposited in this Court, on their furnishing solvent surety in the like amount with undertakings that in the event of any adverse order passed in the appeals or the compensation amount is reduced, the applicants shall deposit/pay back said amount in this Court within a period three months from the date of decision in the appeals.

6. The applications are allowed and disposed of accordingly.

[R.G. AVACHAT, J.]

KBP