

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2908 OF 2021
IN
WRIT PETITION NO.5575 OF 2021**

Dattatray Ravsaheb Pawar and Anr. ... Applicants
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Kunal Bhanage i/by Mr. Akshay Pawar, for Applicants.
Mrs. M.P.Thakur, AGP, for State.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 13th OCTOBER, 2021

P.C. :

1. On 21st September, 2021 this Court passed the following order :

“1. The Petitioners without prejudice to their rights and contentions, undertakes to deposit Rs.7,15,950/- with the Respondent No.3 within a period of four weeks from today. The Respondent No.3, upon such amount being deposited with him shall forthwith release the Trucks in question bearing Registration Nos.JH-13/F-3040, MH-46/BF-8283 and KA-28/C-7332. The Respondents shall be at liberty to proceed with the inquiry/investigation initiated by them and pass final orders strictly on merits without being influenced by this order. The amount deposited by the Petitioners shall be dealt with as per the final orders passed by the appropriate authority. The Appropriate Authority shall pass final orders after giving a hearing to the Petitioner and/or their Advocates and also consider the written submissions, if any.

2. The Writ Petition is accordingly disposed of.”

2. The above Interim Application is now taken out by the Applicants

praying that they be allowed to submit personal bond / surety for the like amount and the order dated 21st September, 2021 be modified to that extent. The order dated 21st September, 2021 was passed on a clear undertaking given by the Applicants that they will deposit an amount of Rs.7,15,950/-, after which the Trucks would be released. The question of modifying the order and allowing the trucks to be released on the basis of a personal bond / surety for the like amount does not arise and it is not possible for this Court to modify the order as sought. The Interim Application is therefore, rejected. However, at the request of the Advocate for the Applicants, we extend the time to deposit the amount of Rs.7,15,950/- as per the undertaking given to this Court for a further period of eight weeks from today. Needless to add that the possession of the trucks will be handed over to the Applicants only upon them depositing the amount as undertaken.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)