

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

926 CIVIL APPLICATION NO.4635 OF 2022
IN FA/2253/2011

...
SAROJABAI NIVRUTTI PASTAPURE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...
Advocate for Applicant : Mr.H.B.Nandgawale h/f.
Mr.V.G.Sakolkar
AGP for Respondent-State : Mr.S.S.Dande
Advocate for Respondent no.2 : Mr.S.P.Sonpawale
...

CORAM : S.G.DIGE, J.
DATE : 07.09.2022

P.C. :

1] Heard the learned counsel for the applicants, learned AGP for the respondent-State and learned counsel for respondent no.2.

2] The learned counsel for the applicants submits that this Court, by order dated 17th December, 2015 has permitted the applicant to withdraw the amount deposited by respondent no.2. In the said order, this Court has directed the applicant to furnish bank guarantee for withdrawal of the 50% amount. The applicant has to pay processing fees and extra charges for furnishing bank guarantee. Being poor agriculturist, the applicant is facing financial burden, hence, requested to modify the said order

by allowing the applicant to furnish solvent surety instead of bank guarantee.

3] The learned counsel for respondent no.2 submits that while passing the said order, the Court has considered all the aspects, hence, it is not necessary to modify the same.

4] Heard both learned counsel. This Court has directed to furnish bank guarantee. In stead of it, the applicants want to furnish solvent surety. In my view, respondent no.2 wants security of his amount, hence, providing solvent surety would suffice purpose, hence, I pass the following order :-

ORDER

i] The application is allowed.

ii] The order passed by this Court dated 17th December, 2015 is modified as under:-

The applicant is permitted to furnish solvent surety in stead of bank guarantee.

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**