

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

926 CIVIL APPLICATION NO.12686 OF 2022  
IN FA/1288/2012

WITH CA/12687/2022 IN FA/2131/2011  
WITH CA/12688/2022 IN FA/2127/2011  
WITH CA/12691/2022 IN FA/1296/2012  
WITH CA/12693/2022 IN FA/1289/2012  
WITH CA/12694/2022 IN FA/1291/2012  
WITH CA/5370/2022 IN FA/1290/2012  
WITH CA/4633/2022 IN FA/1287/2012  
WITH CA/5223/2022 IN FA/1293/2012

...

MAHADEV DNYANOBA DIVATEWAD

VERSUS

THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicants in all CA : Mr.H.B.Nandgawale h/f.  
Mr.V.G.Sakolkar

AGP for Respondent-State in all CA : Mr.S.S.Dande

Advocate for Respondent no.2 : Mr.S.P.Sonpawale

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**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 9<sup>th</sup> April, 2014 has permitted the applicants to withdraw the amount deposited by respondent no.2. In the said order, this Court has directed

the applicants to furnish bank guarantee for withdrawal of the 50% amount. The applicants have to pay processing fees and extra charges for furnishing bank guarantee. Being poor agriculturists, the applicants are facing financial burden, hence, requested to modify the said order by allowing the applicants 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 applications are allowed.

ii] The order passed by this Court dated 9<sup>th</sup> April, 2014 is modified as under:-

The applicants are permitted to furnish solvent surety in stead of bank guarantee.

iii] Civil Applications are disposed of accordingly.

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

DDC