

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

901 CIVIL APPLICATION NO.6023 OF 2014
IN CIVIL APPLICATION NO.15725 OF 2011
IN FIRST APPEAL NO.270 OF 2010

NARAYAN HIRAMAN GAIKWAD (DIED) THROUGH L.Rs.
SHARDA RAJENDRA GAIKWAD & OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

...
Advocate for Applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.S.S.Dande
Advocate for Respondent no.2 : Mr.S.G.Sangale
...

CORAM : S.G.DIGE, J.
DATE : 18.08.2022

P.C. :

1] Heard the learned counsel for the applicants
and learned counsel for respondent no.2.

2] The learned counsel for the applicants submits
that this Court has permitted the applicants to withdraw the
amount by furnishing bank guarantee. The applicants have
furnished bank guarantee but the applicants have to pay
charges for the bank guarantee, hence, requested to allow
to furnish solvent surety in stead of the bank guarantee.

3] The learned counsel for respondent no.2 submits that already bank guarantee has been submitted by the applicants, hence, it is not necessary to modify the order, hence, requested to dismiss the application.

4] I have heard both learned counsel. The applicants are the farmers whose lands are acquired by respondent no.2. This Court has permitted the applicants to withdraw the amount on furnishing bank guarantee. The applicants have to pay charges for the bank guarantee, hence, the applicants are requesting to allow them to furnish solvent surety in stead of bank guarantee. In my view, it is the respondent no.2's concerned to give security to the amount, which is deposited by them, it can be by way of solvent security/surety or by way of bank guarantee. In bank guarantee the applicants have to pay charges, it is unnecessary burden on the applicants. Hence, I pass the following order :

ORDER

1] The application is allowed in terms of prayer

clause-B. The applicants shall furnish solvent surety in respect of withdrawal of the amount instead of Bank guarantee.

2] Civil Application is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC