

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

**CIVIL APPLICATION NO.8258 OF 2023
IN
FIRST APPEAL NO.2313 OF 2020**

Yuvraj Laxman Patil

...APPLICANT

VERSUS

The Executive Engineer,
Waghur Dam Division, Jalgaon,
Tq. and Dist-Jalgaon
and others.

...RESPONDENTS

WITH

**CIVIL APPLICATION NO.8879 OF 2023
IN
FIRST APPEAL NO.2314 OF 2020**

Bhaurao Kadu Borse

...APPLICANT

VERSUS

The Executive Engineer,
Waghur Dam Division, Jalgaon,
Tq. and Dist-Jalgaon
and others.

...RESPONDENTS

...

Mr. Vijay B. Patil Advocate for Applicants in both Applications.
Mr. S.D. Dhongade Advocate and Mr. C.T. Jadhav Advocate
for Resp. Nos.1 and 2.
Mr. A.V. Deshmukh A.G.P. for Resp. Nos.3 to 5.

...

**CORAM: SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATE : 31st JULY, 2023

ORDER :

1. Learned Advocate for the applicants submits that in view of the order passed by this Court on 4th November 2020 in Civil Application Nos.6633 of 2020, 6634 of 2020 and other connected matters, the present applicants have in fact withdrawn the entire amount. As per condition "a." 50% amount was simply withdrawn and as per condition "b." the applicants had given solvent security. According to the applicants, the persons who had given solvent security are facing difficulties in getting crop loan etc. in view of the encumbrance on their land and therefore, the applicants are seeking cancellation of the solvent security order that was passed by this Court by recalling the said clause of the order so far as the present applicants are concerned. Present applicants are also ready to deposit the amount which they had received by furnishing the solvent security as per clause "b." of the order. Learned Advocate for the applicants submits that both the applicants are ready to deposit the amount

received by them by way of Demand Drafts within next fifteen days with the Office of the Court.

2. Clause "b." of the order passed by this Court on 4th November 2020, runs thus:-

"b. Balance of the amount presently deposited be allowed to be withdrawn by the applicants – claimants on the condition of furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court."

3. The learned Advocates for the acquiring body are present. It is to be noted that the condition regarding furnishing of the solvent security was imposed by this Court. By allowing the applicants to redeposit the amount with the Office of the Court, the acquiring body is not going to lose anything. The applicants want that the inconvenience that is being caused to their sureties should be reduced. Under such circumstance, we direct the Office to accept the Demand Drafts which would be submitted by the applicants within next fifteen days. We also direct the Office to calculate the amount and if anything is short coming, then that also should be deposited by the applicants by way of Demand Drafts within next fifteen days. With these

directions the order passed by this Court on 4th November 2020 by way of clause "b." stands recalled, so far as the present applicants are concerned.

4. Both the Civil Applications stand disposed of accordingly.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/AUG23