

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

**CIVIL APPLICATION NO.13515 OF 2022
IN
FIRST APPEAL NO.2312 OF 2020**

Rajanibai Sitaram Patil

...APPLICANT

VERSUS

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

...RESPONDENTS

...
Mr.Vijay B. Patil Advocate for Applicant.
None present for Resp. Nos.1 and 2.
Mr.R.V. Dasalkar A.G.P. for Resp. Nos.3 to 5.
...

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

DATE : 4th JANUARY, 2023

ORDER :

1. Learned Advocate for the applicant submits that in view of the order passed by this Court on 4th November 2020 in Civil Application No.6631 of 2020 and other connected matters, the applicant has in fact withdrawn the entire amount. As per condition "a." 50% amount was simply withdrawn and as per

condition "b." the applicant had given solvent security. According to the applicant, 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 applicant is 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 applicant is concerned. Applicant is also ready to deposit the amount which she has received by furnishing the solvent security as per clause "b." of the order. Learned Advocate for the applicant submits that he is having demand draft of the said amount and he be permitted to deposit the same 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"b. Balance of the amount presently deposited be allowed to be withdrawn by the applicants – claimants on the condition of furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court."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. Though the learned Advocate for the acquiring body is absent, it is to be noted that the condition regarding furnishing of the solvent security was imposed by this Court. By allowing

the applicant to redeposit the amount with the Office of the Court, the acquiring body is not going to lose anything. The applicant wants that the inconvenience that is being caused to her sureties should be reduced. Under such circumstance, we direct the Office to accept the Demand Draft. We also direct the Office to calculate the amount and if anything is short coming, then that also should be deposited by the applicant by way of Demand Draft 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 applicant is concerned.

4. The Application stands disposed of accordingly.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE