

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

**CIVIL APPLICATION NO. 318 OF 2023 IN
FIRST APPEAL NO. 829 OF 2013**

Sheshrao s/o Bapurao Pawar (died),
through L. Rs.

Applicants

Versus

The State of Maharashtra & another

Respondents

Mr. H. B. Nandagawale, advocate holding for Mr. V. G. Sakolkar, advocate for the Applicants
Mr. S. N. Kendre, AGP for Respondent No.1.
Mr. D. V. Soman, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 17th January, 2023.

PC :

Leave to correct prayer clause "C" by mentioning number of Civil Application instead of number of appeal.

Heard rival submissions.

The learned Counsel waives prayer clause "B" in respect of withdrawing remaining 25% amount. Now the applicants are seeking modification of order dated 01.03.2013 in CA No. 2501 of 2013. Under the aforesaid order, this Court had granted permission to the applicants to withdraw 50% of

the deposited amount on furnishing bank guarantee. Accordingly, the applicants have also furnished bank guarantee to that effect at the time of withdrawal of the aforesaid amount. Now, the applicants want to replace the aforesaid bank guarantee with solvent surety/security. There is no objection from Respondent No.2-acquiring body.

As such, Civil Application stands allowed only in terms of prayer clause "C", subject to furnishing solvent surety/security instead of the bank guarantee in respect of withdrawal of 50% amount.

Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 13983 OF 2012 IN
FIRST APPEAL NO. 830 OF 2013 WITH
CIVIL APPLICATION NO. 13987 OF 2012 IN
FIRST APPEAL NO. 779 OF 2013**

The Dy. Chief Executive Engineer,
(Construction) Central Railway,
Solapur

Applicant

Versus

Ramlal Ganeshlal Tiwari & another

Respondents

Mr. D. V. Soman, advocate for the applicant.
Mr. S. S. Manale, advocate for Respondent No.1
Mr. S. N. Kendre, AGP for Respondent No.2.
Mr. S. V. Gundre, advocate for Respondents No.1 & 2 in CA
13987 of 2012.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 17th January, 2023.

PC :

Since the acquiring body has deposited the amounts of compensation, the stay applications are made absolute in terms of prayer clause "B" and are disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**