

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

**CIVIL APPLICATION NO. 12491 OF 2023
IN FA/3637/2016**

Bhagwat Jayawanta Magar

Did through L.Rs.

Sumanbai Bhagwat Magar and others

.. Applicants

Versus

The State of Maharashtra and others

.. Respondents

Mr. Laxmikant C. Patil, Advocate for the Applicants.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 and 2.

Mr. Rahul A. Tambe, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 20th OCTOBER, 2023.

P. C. :-

. Heard.

2. This application is moved seeking modification in the order dated 12.10.2017. This Court was pleased to allow the applicants - original claimants to withdraw the entire amount deposited in this Court by the appellant - acquiring body. While allowing the application 50% amount was directed to be withdrawn on furnishing undertaking that in the event if adverse order is passed, then the amount of compensation would be refunded/re-deposited in this Court within two (02) months from the date of order. Remaining amount of 50% was directed to be withdrawn on furnishing bank guarantee. The

applicants pursuant to the order passed by this Court withdrew the amount of 50% on furnishing undertaking.

3. The applicants have now filed this application seeking relaxation of condition of furnishing bank guarantee. A difficulty is therefore expressed that the applicants are not in a position to furnish bank guarantee. A relaxation is therefore prayed for. Now, the applicants prayed that instead of bank guarantee they may be permitted to furnish solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court and to that extent they are seeking modification in the order dated 12.10.2017. This Court has already passed similar order in Civil Application No. 12293/2023.

4. In view of the same, this application also stands allowed in terms of prayer clause (B). The Registrar (Judicial) of this Court to accept the solvent surety/security to his satisfaction. The Registrar (Judicial) to allow the applicants to withdraw remaining 50% amount on furnishing solvent surety/security. The Registrar (Judicial) to accept the solvent surety/security in place of bank guarantee. The order dated 12.10.2017 is modified to that extent.

5. With this, the civil application stands disposed off.

(KISHORE C. SANT, J.)

RS.B.