

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

**CIVIL APPLICATION NO. 12772 OF 2023
IN FA/3801/2016**

Balasaheb Mahadeo Kanwale

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

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

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 04.12.2017. This Court was pleased to allow the applicant - original claimant 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 While allowing the application 50% amount was directed to be withdrawn on furnishing undertaking that in the event if adverse order is passed, then the amount of compensation would be refunded/re-deposited in this Court within two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 Remaining amount of 50% was directed to be withdrawn on furnishing bank guarantee.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 applicant

pursuant to the order passed by this Court withdrew the amount of 50% on furnishing undertaking and remaining 50% of the amount by furnishing bank guarantee.

3. The applicant has now filed this application seeking relaxation of condition of furnishing bank guarantee. The bank has now issued letter to the claimant that earlier bank guarantee is given on depositing 50% cash collateral in the form of STDR/TDR at the relevant time. However, now for bank guarantee the applicant is required to deposit 100% of the amount of bank guarantee. A difficulty is therefore expressed that the applicant is not in a position to deposit 100% amount of the bank guarantee. A relaxation is therefore prayed for. Now, the applicant prayed that instead of bank guarantee he may be permitted to furnish solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court and to that extent he is seeking modification in the order dated 04.12.2017. This Court has already passed similar order in Civil Application No. 12287/2023 along with other similar matters.

4. In view of the same, this application also stands allowed in terms of prayer clauses (B) and (C). The Registrar (Judicial) of this Court to accept the solvent surety/security to his satisfaction. Since the

applicant has already withdrawn the amount, in view of this the bank guarantee stands discharged. The Registrar (Judicial) to accept the solvent surety/security in place of bank guarantee. The order dated 04.12.2017 is modified to that extent.

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

(KISHORE C. SANT, J.)

PS.B.