

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

**CIVIL APPLICATION NO. 12287 OF 2023
IN FA/3488/2015**

Dhananjay Gajendra Kashid .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12288 OF 2023
IN FA/3489/2015**

Rajendra Gajendra Kashid
died through L.Rs.
Bhagirathi Rajendra Kashid and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12289 OF 2023
IN FA/3491/2015**

Daji Gajendra Kashid .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12290 OF 2023
IN FA/3490/2015**

Shatrughna Shamrao Kashid .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12291 OF 2023
IN FA/268/2016**

Babu Limba Mali
Died through L.Rs.
Sindhubai Baburao Gore (Mali) and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12294 OF 2023
IN FA/3468/2015**

Ramchandra Nagnath Joshi .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12295 OF 2023
IN FA/3469/2015**

Dadarao Digambar Kaldate
and another .. Applicants

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12296 OF 2023
IN FA/3471/2015**

Prabhu Shivling Todkari
Died through L.Rs.
Mahantappa Prabhu Todkari and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12298 OF 2023
IN FA/37/2016**

Shrimant Tatya Shinde .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12297 OF 2023
IN FA/35/2016**

Sonba Vishnu Gavali
Died through L.Rs.
Prabhakar Sonba Gavali .. Applicants

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12303 OF 2023
IN FA/269/2016**

Mainabai Nagnath Mali .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12306 OF 2023
IN FA/265/2016**

Nagnath Babu Mali .. Applicant

Versus

The State of Maharashtra and others .. Respondents

**CIVIL APPLICATION NO. 12307 OF 2023
IN FA/267/2016**

Alka Nagnath Mali .. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Mr. Laxmikant C. Patil, Advocate for the Applicants in all matters.

Mr. S. P. Tiwari, AGP for Respondent Nos. 1 and 2 in all matters.

Mr. G. B. Rajale, Advocate for Respondent No. 3 in all matters.

CORAM : KISHORE C. SANT, J.

DATED : 13th OCTOBER, 2023.

P. C. :-

. Heard the parties.

2. These applications are filed seeking modification of condition of furnishing bank guarantee for withdrawal of the amount. This Court by order dated 28.04.2017 was pleased to allow the applicants to withdraw 50% amount of the amount deposited by the acquiring body – appellant in this Court. Remaining 50% amount was directed to be withdrawn on furnishing bank guarantee. As per the direction the amount is already withdrawn by the applicants-original claimants. Now the difficulty faced by the applicants is that, by letter dated 10.08.2023, the bank has issued communication for renewal of bank guarantee asking the applicants to deposit entire amount for which the bank guarantee is furnished.

3. Learned advocate for the applicants submits that, because of this condition the applicants are not in a position to deposit the amount of bank guarantee with the bank and they are ready to furnish solvent

surety/security.

4. This Court finds that, keeping 50% of the amount in the bank guarantee practically amount not to withdraw that amount. However, at the same time, it is necessary to take care of the interest of the acquiring body in case the appeals are allowed. Therefore, this Court finds that, instead of bank guarantee the applicants can be directed to give solvent surety/security for the amount of 50% instead of bank guarantee. The order is thus modified.

5. The order dated 28.04.2017 stands modified by replacing sub paragraph of paragraph No. 3 as below :

Balance 50% amount is permitted to be withdrawn by furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

6. The applications are thus allowed in terms of prayer clauses (B) and (C).

7. Office to act upon this order.

8. The civil applications are disposed off.

(KISHORE C. SANT, J.)

PS.B.