

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

**CIVIL APPLICATION NO. 1568 OF 2022
IN FA/2332/2019**

Babasaheb Pandurang Kendre .. Applicant

Versus

The Godavari Marathwada Irrigation
Development Corporation Through
its Executive Engineer and another .. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
Mr. S. P. Tiwari, AGP for Respondent No. 2.

**WITH
CIVIL APPLICATION NO. 1560 OF 2022
IN FA/2337/2019**

Adinath Devrao Mule .. Applicant

Versus

The Godavari Marathwada Irrigation
Development Corporation Through
its Executive Engineer and another .. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
Mr. S. P. Tiwari, AGP for Respondent No. 2.

**WITH
CIVIL APPLICATION NO. 1559 OF 2022
IN FA/2339/2019**

Barku Manaji Kendre .. Applicant

Versus

The Godavari Marathwada Irrigation
Development Corporation Through
its Executive Engineer and another .. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
 Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
 Mr. S. P. Tiwari, AGP for Respondent No. 2.

**WITH
 CIVIL APPLICATION NO. 1557 OF 2022
 IN FA/2340/2019**

Bapurao Tukaram Mule .. Applicant

Versus

The Godavari Marathwada Irrigation
 Development Corporation Through
 its Executive Engineer and another .. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
 Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
 Mr. S. P. Tiwari, AGP for Respondent No. 2.

**WITH
 CIVIL APPLICATION NO. 1561 OF 2022
 IN FA/2333/2019**

Sushilabai Bapurao Gite
 Through Power of Attorney
 Bapu Tukaram Mule .. Applicant

Versus

The Godavari Marathwada Irrigation
 Development Corporation Through
 its Executive Engineer and another .. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
 Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
 Mr. S. P. Tiwari, AGP for Respondent No. 2.

**WITH
 CIVIL APPLICATION NO. 1566 OF 2022
 IN FA/2336/2019**

Daivshala Babasaheb Kendre .. Applicant

Versus

The Godavari Marathwada Irrigation

Development Corporation Through
its Executive Engineer and another

.. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
Mr. S. P. Tiwari, AGP for Respondent No. 2.

**WITH
CIVIL APPLICATION NO. 1565 OF 2022
IN FA/2334/2019**

Barkubai Namdev Kendre

.. Applicant

Versus

The Godavari Marathwada Irrigation
Development Corporation Through
its Executive Engineer and another

.. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
Mr. S. P. Tiwari, AGP for Respondent No. 2.

**WITH
CIVIL APPLICATION NO. 1567 OF 2022
IN FA/2335/2019**

Kaushalyabai Bhanudas Gite

.. Applicant

Versus

The Godavari Marathwada Irrigation
Development Corporation Through
its Executive Engineer and another

.. Respondents

Smt. P. G. Sontakke (Patil), Advocate for the Applicant.
Mr. Sudhir G. Bhalerao, Advocate for Respondent No. 1.
Mr. S. P. Tiwari, AGP for Respondent No. 2.

CORAM : KISHORE C. SANT, J.

DATED : 11th SEPTEMBER, 2023.

P. C. :-

. Heard.

2. This Court by order dated 27.10.2020 in Civil Application No. 6385/2020 with other connected civil applications was pleased to allow the applicants to withdraw the amount deposited by the acquiring body in this Court. This Court had directed to pay the amount of 50% by giving undertaking that the amount will be paid by the applicants in case the appellant in first appeal succeed. For remaining 50% of the amount, the Court had directed to furnish bank guarantee.

3. It is the case of the applicants that, they are poor farmers and they have lost their valuable land in acquisition. As per the conditions imposed by this Court they could withdraw only 50% of the amount on furnishing undertaking. In spite of their efforts they could not arrange to get bank guarantee. Therefore, these applications are filed for modification of the order and allowing the applicants to withdraw remaining 50% amount on giving surety or any other condition instead of condition of furnishing bank guarantee.

4. The applications are opposed by the learned advocate for appellant in first appeal – acquiring body stating that, the modification would amount to review of the order. If the applications are allowed there would not be any security for the amount withdrawn by the applicants and it would become difficult to recover the amount in case

the appellant in first appeal succeeds in the appeal. He further submits that, earlier order was passed by hearing all the parties and there is no need to modify the order already passed.

5. This Court finds that, in spite of order for almost three years the applicants could not withdraw the amount as they could not furnish the bank guarantee. This Court finds that, the order needs to be modified so as to give some benefit to the applicants. The order is thus modified as below :

(a) 50% amount be paid to the applicants on furnishing undertaking. (already complied with)

(b) 25% amount be paid to the applicants along with interest accrued if any on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(c) 25% amount be fixed in Nationalized Bank on early renewal basis till final disposal of the appeal.

6. With this, the civil applications are disposed off.

(KISHORE C. SANT, J.)

PS.B.