

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 13918 OF 2023  
IN  
FIRST APPEAL (STAMP) NO.16886 OF 2019**

Atmaram Narayan Patil (Since deceased)  
Through Legal Heirs  
Jitendra Atmaram Patil and Ors. ... Applicants

**IN THE MATTER BETWEEN**

The State of Maharashtra ... Appellant  
Versus  
Atmaram Narayan Patil (Since deceased)  
Through Legal Heirs  
Jitendra Atmaram Patil and Ors. ... Respondents

.....  
Mr. Sanjay Ghaisas, for the Applicants/Respondents.

Ms. Tanaya Goswami, AGP, for the Appellant-State.

.....

**CORAM : PRITHVIRAJ K. CHAVAN, J.**

**DATED : 31<sup>st</sup> JULY, 2023.**

**P.C.**

Liberty to amend the number of the Interim Application.  
Amendment to be carried out forthwith.

2 This is an application seeking modification of the order dated 30<sup>th</sup> March, 2023 passed in Interim Application No. 2286 of 2023 by which, at the request of the Counsel for the applicants, on

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instructions of his clients, the applicants have been permitted to withdraw the amount of compensation deposited by the appellant on furnishing a Bank Guarantee of any nationalized Bank before the Reference Court.

3 Counsel for the applicants now submits that despite efforts, the applicants are unable to furnish the Bank Guarantee of any nationalized Bank in the equivalent amount which was permitted to be withdrawn and, therefore, seeks to modify the order permitting to withdraw 50% of amount i.e. Rs.1,69,00,264/- by furnishing the Bank Guarantee of that much amount.

4 Learned AGP has no objection.

5 The application is allowed in terms of prayer clause 4(a), which reads as under:

“4(a). Be please to modify the order dated 30/03/2023 at Exhibit ‘A’ passed in I.A. No.2286 of 2023, by permitting the applicants to withdraw 50% of amount i.e. Rs.1,09,69,264/- (Rupees One Corer Sixty Nine Lakhs Two Hundred Sixty Four only) by furnishing bank guarantee or any appropriate security of the said amount instead and in place of total compensation

amount of Rs.2,19,38,528/- (Rs. Two Crore Nineteen Lakhs Thirty Eight Thousand Five Hundred Twenty Eight Only).”

6 Application is disposed of.

**[PRITHVIRAJ K. CHAVAN, J.]**