



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 474 OF 2024
IN FA/3635/2016
WITH CIVIL APPLICATION NO. 475 OF 2024 IN FA/3635/2016
WITH CIVIL APPLICATION NO. 436 OF 2024 IN FA/2287/2015
WITH CIVIL APPLICATION NO. 439 OF 2024 IN FA/2288/2015
WITH CIVIL APPLICATION NO. 437 OF 2024 IN FA/2291/2015
WITH CIVIL APPLICATION NO. 438 OF 2024 IN FA/2289/2015

KONDIBA MARUTI MAGAR DIED THR LRS BALASAHEB KONDIBA MAGAR
VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ORS

Mr. L. C. Patil, Advocate for the applicant
Mr. D. B. Bhanage, AGP for the respondent/State
Mr. R. A. Tambe, Advocate for respondent No.3.

CORAM : R. M. JOSHI, J.
DATE : 11th JANUARY, 2024

P.C. :-

1. Civil Application No. 474 of 2024 shows that the LR's of deceased Kondiba Maruti Magar are already on record. Hence, applicant is permitted to delete his name from title clause. Amendment to be carried out forthwith.
2. Other Civil Applications are moved seeking modification in the orders dated 12/10/2017 and 08/12/2017. 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 While allowing the application 50% amount was directed to be withdrawn on furnishing undertaking that in the event if adverse order is passed, then the amount of compensation would be refunded/re-deposited in this Court within two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 Remaining amount of 50% was directed to be withdrawn on furnishing bank guarantee.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 applicants pursuant to the order passed by this Court withdrew the amount of 50% on furnishing undertaking.

3. The applicant has now filed this application seeking relaxation of condition of furnishing bank guarantee. A difficulty is therefore expressed that the applicant is not in a position to furnish 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 orders dated 12/10/2017 and 08/12/2017. This Court has already passed similar order in Civil Application No. 12293/2023.

4. In view of the same, these applications also stand 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 orders dated 12/10/2017 and 08/12/2017 is modified to that extent. The amount deposited in this Court be permitted to be withdrawn by the applicant along with accrued interest.

5. In view of above, the civil applications stands disposed of.

(R. M. JOSHI, J.)

ssp