



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

977 CIVIL APPLICATION NO. 1267 OF 2024
IN FA/3636/2016

Anusayabai Baliram Magar
(Deceased through LRs) & another

....Applicants

VERSUS

The State Of Maharashtra & others

.....Respondents

.....

Mr. L. C. Patil, Advocate for the applicants.

Mr. S. V. Hange, AGP for the State.

Mr. R. A. Tambe, Advocate for respondent No. 3.

.....

WITH
CIVIL APPLICATION NO. 1268 OF 2024
IN FA/3638/2016

WITH
CIVIL APPLICATION NO. 1271 OF 2024
IN FA/3639/2016

CORAM : R. M. JOSHI, J.

DATE : 7th FEBRUARY, 2024.

PER COURT :

1. These applications are moved seeking modification in the order dated 12th October, 2017. This Court was pleased to allow the applicants/original claimants 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 While allowing the application 50% amount was directed to be withdrawn on furnishing undertaking that in the event of adverse order is passed, then the amount of compensation would be refunded/re-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 Remaining amount of 50% was directed to be withdrawn on furnishing bank guarantee.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.

2. The applicants have now filed these applications seeking relaxation of condition of furnishing bank guarantee. A difficulty is therefore expressed that the applicants are not in a position to furnish bank guarantee. A relaxation is therefore prayed for. Now, the applicants pray that instead of bank guarantee they may be permitted to furnish solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court and to that extent modification is sought in the order dated 12th October, 2017. This Court has already passed similar order in Civil Application No. 475/2024.

3. 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, if it is valid on date of this order. The order dated 12th October, 2017 is modified to that extent. The amount deposited in this Court be permitted to be withdrawn by the applicants along with accrued interest.

4. In view of above, civil applications stand disposed of.

(R. M. JOSHI)
Judge

dyb