



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

**CIVIL APPLICATION NO.2220 OF 2024
IN
FIRST APPEAL NO.563 OF 2014**

Dagdu Kalidas More
VS.
State of Maharashtra and ors.

Ms.Mrunal Andhare, Advocate h/f. Mr.A.B.Kale, Advocate for applicant
Mrs.V.S.Choudhary, AGP for respondent nos.1 and 2

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : MARCH 21, 2024

ORDER :-

Heard learned counsel for the applicant and learned AGP
for respondent nos.1 and 2.

2. This application has been filed for modification of the order
dated 01.08.2014 in Civil Application No.7321 of 2014 in First Appeal
No.563 of 2014, the relevant portion of which is as follows:-

3. In light of above, we pass the following order:

(a) The applicants are permitted to withdraw 25%
of the total amount deposited on furnishing personal
undertaking to this Court that in case applicants are
directed to refund the amount, they will refund
amount within one month.

(b) The applicants are allowed to withdraw further

25% of the total amount deposited by furnishing solvent surety of the like amount.

(c) The applicants are permitted to withdraw further 25% amount on submitting a bank guarantee of the like amount of any nationalized or scheduled bank.

(d) The remaining 25% amount be kept in fixed deposit of any nationalized bank.

3. Learned counsel for the applicant brought to our notice the order dated 10.01.2024 in Civil Application No.8937 of 2023 and Civil Application No.8936 of 2023 in First Appeal No.2614 of 2016, in which the applicant therein was permitted to withdraw the amount by submitting solvent security/surety instead of furnishing bank guarantee by modifying the order dated 09.12.2016.

4. In the present matter, though the order was passed way back in 2014, the applicant is unable to withdraw 25% amount for want of bank guarantee.

5. In this view of the matter, we allow present application and modify the order dated 01.08.2014 in Civil Application No.7321 of 2014 in First Appeal No.563 of 2014, by replacing sub-para (c) of paragraph 3, as under:-

(c) The applicant is permitted to withdraw further 25% amount on submitting solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

6. The application stands disposed of accordingly.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP