



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

**945 CIVIL APPLICATION NO. 4703 OF 2024
IN FA/1505/2012**

Bapurao Bhujang Markad And Anr
VERSUS
Hule Constructions Pvt. Ltd Thru Managing Director And Ors

...
Advocate for Applicant : Mr. Vijay Anikrao Dhakne
None present for Respondents.

...

CORAM : R. M. JOSHI, J.

Dated : July 18, 2024

PER COURT :-

1. This application is filed for withdrawal of amount of Rs.2,50,000/- deposited in this Court along with accrued interest and for modification of order dated 22/02/2013, passed by this Court in First Appeal No.1505/2012.

2. Learned Counsel for applicants submits that the applicants/ claimants are poor, they were unable to furnish solvent security/ surety as directed by this Court, and hence, for last two years the amount deposited in this Court could not be withdrawn.

3. The fact that the amount is still pending and the applicants are not in a position to furnish solvent security/ surety, this indicates that it is not possible for them to furnish such security. There is no dispute about the fact that pursuant to the compromise between the parties, first appeal came to be disposed of. It is agreed by the parties that the

present applicants would withdraw the amount deposited in this Court. There is nothing on record to indicate that said consent order has been challenged at any point of time. Hence, considering the fact that the proceedings in which the order is passed, arise out of the motor accident, Claimants are entitled to receive the said amount. Further considering the fact that for two years claimants are unable to withdraw the amount for fulfillment of the condition of furnishing solvent surety/ security, condition imposed for withdrawal deserves modification. Hence application is allowed in terms of prayer Clause 'B'. The order dated 22/02/2023 stands modified to the extent of calling upon the applicants to furnish solvent surety/ security. Amount of Rs.2,50,000/- is permitted to be withdrawn along with accrued interest thereon by submitting usual undertaking.

(R. M. JOSHI, J.)

vj gawade/-.