



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

CIVIL APPLICATION NO.8937 OF 2023 WITH
CIVIL APPLICATION NO.8936 OF 2023 IN
FIRST APPEAL NO.2614 OF 2016

Rafiq Babulal Attar

... **APPLICANT**

VERSUS

The State of Maharashtra & ors.

... **RESPONDENTS**

.....
Mr. A.B. Kale, Advocate for applicant
Mr. S.G. Ghayal, A.G.P. for respondents
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 10th JANUARY, 2024

ORDER :

Heard. Issue notice to respondents returnable
forthwith. Learned A.G.P. waives service for the respondents.

2. Civil Application No.8936/2023 is filed for modification
of the order dated 9/12/2016, whereby this Court has permitted the
applicant to withdraw 75% of the amount deposited by the acquiring
body in this Court, out of which 25% amount is permitted to be
withdrawn on furnishing Bank guarantee of the like amount of any

Nationalised or Scheduled Bank; and also for withdrawal of balance 25% amount which is kept in Fixed Deposit.

3. The applicant has also filed Civil Application No.8937/2023 for withdrawal of the balance 25% amount of compensation which is kept in Fixed Deposit.

4. It is the applicant's contention that, for going to Hajj and for medical purposes, he requires certain amount and therefore, prays that, instead of Bank guarantee, he be allowed to furnish solvent surety/ security against the withdrawal of said amount.

5. The learned A.G.P. for the respondents opposes the applications.

6. Considering the contentions in the applications, we modify the said order dated 9/12/2016, by replacing sub-para (c) of paragraph No.3 as under :

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

7. We are not inclined to grant prayer clause (C) of Civil Application No.8936/2023 and for withdrawal of the balance 25% amount. The said prayer is rejected.

8. Civil Application No.8937/2023 which is also filed for withdrawal of the balance 25% amount, stands rejected.

9. Both the Civil Applications are disposed of in above terms.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-