



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 15385 OF 2023 IN
FIRST APPEAL NO. 39 OF 2016

Pandurang Nivrutti Gavali
(Deceased) through LRs

.. Applicant

Versus

The State of Maharashtra & others

.. Respondents

Mr. L. C. Patil, Advocate for the applicant.
Mr. D. B. Bhange, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 17th JANUARY, 2024.

PER COURT :

1. This application is preferred seeking modification in the order dated 28th April, 2017.

2. 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 While allowing the application 50% amount was directed to be withdrawn on furnishing undertaking that in the event if adverse order is passed, then the amount of compensation would be refunded/re-deposited in this Court within two months from the date of order. Remaining amount of 50% was directed to be withdrawn on furnishing bank guarantee. The

applicant 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 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 order dated 28th April, 2017.

4. Applications filed by similarly placed claimants in the same acquisition proceeding for modification of the order have been allowed by this Court. Hence, this Court finds no reason or justification to take any different view. Thus, application is allowed in terms of prayer clause 'B' and 'C'. The Registrar (Judicial) of this Court to accept the solvent surety/security to his satisfaction. Since the applicant has already withdrawn the amount, in view of this the bank guarantee stands discharged. The Registrar (Judicial) to accept

the solvent surety/security in place of bank guarantee. The order dated 28th April, 2017 is modified to that extent.

5. In view of above, civil application stands disposed of.

(R. M. JOSHI)
Judge

dyb