



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

**CIVIL APPLICATION NO. 335 OF 2025
IN FA/67/2025**

BHARAT LAXMAN KEDAR

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND ORS**

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Mr. Vivekanand V. Ingale, Advocate for Applicant.

Mr. V. S. Badakh, AGP for Respondents-State.

Mr. U. P. Giri, Advocate for Respondent No.1.

Mr. R. V. Naiknaware, Advocate for Respondent Nos.4a to 4c.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 17th MARCH, 2025.**

P.C.:-

1. Heard learned Advocates appearing for respective parties.
2. The applicant seeks modification of order/relaxation of condition of bank guarantee imposed for withdrawal of amount in Civil Application No.11431/2019.
3. Mr. Ingale submits that in L.A.R. No.158/2010, there were two claimants i.e. present applicant Bharat Laxman Kedar and Saudagar Rama Kedar. The Reference Court granted enhanced compensation under impugned judgment and award. The Acquiring Body filed Appeal before this Court and deposited compensation amount. Both claimants are having equal share in compensation amount. The separate applications for withdrawal of amount were moved. In Civil Application No.11431/2019 filed by present applicant, an order dated 20.09.2019 was passed permitting withdrawal of amount. However, with condition that 50% amount to be withdrawn on undertaking and balance 50% to

be withdrawn subject to furnishing bank guarantee of any Nationalized or Scheduled Bank. Mr. Ingale points out that aforesaid condition of bank guarantee was also imposed while permitting withdrawal of amount to his co-sharer Saudagar Rama Kedar, but same has been relaxed in Civil Application No.1964/2024 vide order dated 12.12.2024 and remaining 50% amount is permitted to be withdrawn by furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court instead of bank guarantee. He, therefore urges to permit applicant to withdraw amount by following same course.

4. The learned AGP opposes application, however, admits that in Civil Application No.1964/2024 condition of bank guarantee has been relaxed to co-applicant.

5. In that view of the matter, same order can be passed. Hence, following order:

ORDER

a. Civil Application is allowed in terms of prayer Clause (B) subject to further condition that such withdrawal shall be on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

(S. G. CHAPALGAONKAR)
JUDGE