



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 CIVIL APPLICATION NO. 2052 OF 2025
IN FA/3384/2016

Balasaheb Dattatraya Mairan

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Ors.

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Mr. Laxmikant C. Patil - Advocate for Applicant

Mrs. U. S. Bhosale - AGP for Respondent No. 1 & 2/State

Mrs. Kalpalata Patil Bharaswadkar – Advocate for Respondent No. 3

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CORAM : R. G. AVACHAT
AND
NEERAJ P DHOTE, JJ.
DATED : 21ST FEBRUARY, 2025

PER COURT : -

1. Heard the learned Advocate for the Applicant, the learned Advocate for Respondent No. 3, and the learned AGP for Respondent Nos. 1 and 2.

2. This Application is filed with the following prayers : -

A] Civil Application may kindly be allowed;

B] By issuing necessary directions, the applicant be permitted to furnish the solvent surety/security in place of Bank Guarantee as per order passed by this Hon'ble Court in Civil Application No. 4687 of 2018 and for that purpose necessary directions be issued.

C] Any other equitable and suitable relief in the interest of justice may kindly be granted in favor of applicants.

3. The operative order of this Court dated 13th April, 2018, passed in Civil Application No. 4687 of 2018 in First Appeal No. 3384 of 2016, which is a connected matter, reads as follows :-

ORDER

- [i] The applicant is allowed to withdraw 25% of the amount deposited by the acquiring body on submitting an undertaking to this Court that, in the event the Appeal is allowed and this Court directs the applicant to deposit the amount, the applicant would deposit the same within a period of one month.*
- [ii] The applicant is further allowed to withdraw 25% of the amount deposited on furnishing solvent security/surety of the like amount.*
- [iii] The applicant is further allowed to withdraw 25% of the amount deposited on submitting bank guarantee of any nationalized/scheduled bank.*
- [iv] The remaining 25% of the amount deposited shall be kept in fixed deposit of any nationalized bank.*
- [v] The civil application is disposed of.*

4. The Advocate for the Applicant/Appellant tenders across the bar a copy of the order dated 27.09.2019, passed by the Hon'ble Supreme Court in Civil Appeal No. 7970 of 2019, which is stated to be in connected matter. The said order reads thus :

“Delay condoned.

Leave granted.

Notice was issued on 9.8.2019 recording inter alia that according to the appellants, the matter ought to be disposed of in terms of the order dated 18.1.2019 passed by this Court in appeal arising out of SLP (C) Nos. 30071-83/2018.

Mr. B. Y. Kulkarni, learned advocate appearing for respondents in both the matters has no objection, if similar relief is extended to the present appellants.

We therefore, dispose of the appeals by directing that 50% of enhanced compensation awarded to the appellants shall be released without security while the balance 50% shall be released on furnishing security to the satisfaction of the Reference Court.

The appeals are disposed of in aforesaid terms. No costs.”

5. In view of the above, we allow the Applicant to furnish a solvent surety to the extent of 25% of the amount in place of a bank guarantee, to the satisfaction of the Registrar (Judicial) of this Court.

6. Accordingly, the Application stands disposed of.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

SG Punde