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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4346 OF 2025
IN
CIVIL APPLICATION NO. 5111 OF 2019
IN
FIRST APPEAL NO. 1000 OF 2018

KALYAN GOVIND SHERKAR (DIED) THROUGH HIS LEGAL
REPRESENTATIVES PANCHPHULA W/O KALYAN SHERKAR
AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, IRRIGATION DIVISION,
OSMANABAD AND OTHERS

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Mr. R. V. Naiknavare, Advocate for the Applicants.
Mr. Ruturaj C. Patil, Advocate for Respondent No.1.
Mrs. D. S. Jape, AGP for Respondent Nos. 2 and 3.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 23.06.2025

ORDER :

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

2. This application is filed with following prayers :

A] This Civil Application may kindly be allowed.

B] May kindly be permitted to applicants to furnish solvent security or solvency of like amount as against the Bank guarantee and to direct the Registry to release the Bank Guarantee.

C] May please to direct the State Bank of India to disburse the amount upon furnishing solvent security or solvency of like amount as against the Bank guarantee in Registry of this Hon'ble High Court.

D] Any other relief, which is deemed fit in favour of the applicant, may kindly be granted.

3. The operative order of this Court dated 21.06.2019 passed in Civil Application No. 5111 of 2019 in First Appeal No. 1000 of 2018 (along with connected applications), reads as under :

"I) The applicant is permitted to withdraw 60% of the deposited amount, on submitting an undertaking to the satisfaction of the Registrar of this Court.

II) Balance 40% amount is permitted to be withdrawn on furnishing bank guarantee of any Nationalized or scheduled bank in the like amount.

III) The Civil Application stands disposed of."

4. The learned Advocate for the Applicants tenders across the bar copies of the orders of the Hon'ble Supreme Court passed in similar matters wherein the Hon'ble Supreme Court dispensed with the furnishing of security for releasing part of enhanced compensation.

5. In view of the above, the application is allowed. The applicant is permitted to furnish solvent surety/security to the extent of balance 40% amount in place of bank guarantee, to the satisfaction of the Registrar (Judicial) of this Court.

6. Accordingly, the Application stands disposed off.

[ABHAY S. WAGHWASE, J.]

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