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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4486 of 2013

Bank of Baroda, through Branch Manager
Mr.Madhav P. Sabnis .. Petitioner
V/s.
The State of Maharashtra & Ors. .. Respondents

Mr.Saket Mone i/b Vidhi Partners, Advocates for Petitioners
Respondent No.3 present in person.

**Coram : Shrikant D. Kulkarni,
Registrar (Judl-I).**

Date : 26th March 2014

Heard Mr.Saket Mone i/b Vidhi Partners, Advocates for Petitioners and Respondent No.3 in person.

Perused order dated 15th January 2014 passed by the Hon'ble Division Bench (Coram : A.S.Oka & M.S.Sonak, JJ.). The Hon'ble Division Bench was pleased to permit 3rd Respondent to withdraw a sum of Rs.1,20,000/- deposited in this Court subject to furnishing adequate security for the said amount to the satisfaction of the Registrar (Judl.-I) of this Court. The Hon'ble Division Bench was further pleased to direct that the Petitioner shall be heard before accepting the security.

In view of directions given by the Hon'ble Division Bench, 3rd Respondent has furnished Bank Guarantee dated 24.02.2014 to the tune of Rs.1,20,000/- issued by The Shamrao Vithal Co-operative Bank Ltd, a Co-operative Bank, registered under the Co-operative Credit Societies Act (X of 1904) in favour of the beneficiary. The said Bank Guarantee is valid and shall remain in force until 28 February 2017.

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On the last date i.e. 24 March 2014, Mr.Saket Mone apprehended about the rights of the Petitioner after expiry of the Bank Guarantee and insisted for the affidavit-cum-undertaking to that effect for renewal of Bank Guarantee. Accordingly, 3rd Respondent has furnished affidavit-cum-undertaking today. Thus, apprehension raised by Shri Saket Mone, Advocate for the Petitioner is taken care of. He has not raised any more objection before me while accepting the Bank Guarantee. I am satisfied with the Bank Guarantee furnished by 3rd respondent to the tune of Rs.1,20,000/- and hence it is accepted in view of Courts order dated 15th January 2014. The Bank Guarantee be sent to Nazir Department so as to keep it in safe custody.

Shri Saket Mone, Advocate further makes request that matter may be kept on the board of Registrar (Judicial-I) before one month of the expiry of the Bank Guarantee i.e.28th February 2017 in order to have control to renew the Bank Guarantee.

Accordingly, office is directed to place this matter on the board of Registrar (Judl-I) one month before 28th February 2017 i.e. on 31st January 2017.

(Shrikant D. Kulkarni)
Registrar (Judl-I)