

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1385 OF 2015

IN

APPEAL NO.270 OF 2012

IN

LAR NO.1 OF 1996

IN

NO.LAQ/SR-513-B

Veekaylal Investment Co. Pvt. Ltd. Applicant

In the matter between

Maharashtra State Road Transport
Corporation Appellant

V/s.

Veekaylal Investment Co. Pvt. Ltd. & Anr. Respondents

Ms. Manisha Seth for the Applicant.

Mr. G.S. Hegde, i/by M/s. G.S. Hegde &
Associates, for the Appellant.

Mr. Rajiv Mane, AGP, for Special Land
Acquisition Officer.

CORAM : V.M. KANADE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 7TH SEPTEMBER, 2015.

P.C. :

1. Heard learned counsel for the parties.

2. This Notice of Motion is taken out by Original Respondent No.1/Original Claimant/Applicant herein, seeking permission to withdraw the amount, which has been deposited by the Appellant. The relief claimed by the Applicant is opposed by the Appellant. It is submitted that in similar other Appeals, which are admitted against the order passed by the Land Acquisition Officer, this Court has directed the Prothonotary and Senior Master of this Court to invest those amounts in a Nationalized Bank. It is submitted that there is no guarantee that the said amount, if allowed to be withdrawn, will be returned, if Appellant succeeds.

3. In our view, merely giving an undertaking to this Court that in the event of Appeal being allowed, the Applicant/Original Claimant would return the amount to the Appellant cannot be sufficient and hence we are not in a position to accept the submission made by the learned counsel for the Applicant/Original Claimant. Hence, the Notice of Motion is dismissed.

4. The Prothonotary and Senior Master, High Court, Bombay is directed to invest the amounts deposited by the Appellant in a Nationalized Bank, initially for a period of two years and thereafter the said deposits may be renewed till the final hearing of the Appeal.

5. Hearing of the Appeal is expedited.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[V.M. KANADE, J.]

CERTIFICATE

Certified to be true and correct copy of the
original signed Order.