IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO.478/2014
Hukumchand s/o Babulal Sethi
..Versus..
The Chief General Manager, W.C.L., Nagpur and others

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

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CORAM : Z.A. HAQ, J.
DATE : 13.1.2015

Heard Shri P.A. Abhyankar, learned advocate for the appellant, Shri C.S. Samudra, learned advocate for the respondent no.1 and Shri C.N. Deshpande, learned advocate for the respondent no.4. None for the other respondents.

Admit.

Shri Samudra, learned advocate waives notice for the respondent no.1.

Shri Deshpande, learned advocate waives notice for the respondent no.4.

<u>C.A.F. NO.1260/2014</u>

Heard.

Considering the fact that the Special Tribunal has recorded the finding in favour of the respondent no.4 regarding the entitlement to receive the amount of compensation, *prima facie*, I am of the view that the amount deposited by the respondent no.1 can be given to the respondent no.4 on furnishing bank guarantee for that amount to the satisfaction of the Registrar (Judicial) of this Court.

Shri Abhyankar, learned advocate has submitted that if the amount is given to the respondent no.4 and if the appeal is allowed it would not be possible for the appellant to recover the amount of interest on the amount. To balance the equities, it is directed that in addition to the bank guarantee as directed above, the respondent no.4 shall furnish solvent surety for the amount of Rs.5 Lakhs to the satisfaction of the Registrar (Judicial) of this Court. In addition, the respondent no.4 shall file an undertaking before this Court stating that the respondent no.4 shall deposit the amount received by it along with interest as would be determined by this Court with the Registry of this Court within 30 days of the judgment which would be passed by this Court. The amount shall be handed over to the respondent no.4 only after obtaining the bank guarantee, solvent surety and the undertaking. The civil application is disposed of in the above terms. If the bank guarantee, solvent surety and the undertaking are not submitted till 2nd March, 2015, the amount deposited by the respondent no.1 shall be invested in any nationalized bank initially for a period of three years, to be renewed every year thereafter till the decision of the appeal.

The copy of this order be sent to the Special Tribunal for information and necessary action.

JUDGE

Tambaskar.