

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

CIVIL APPLICATION (CAF) NO.235/2014

IN

FIRST APPEAL STAMP NO.17098/2013

Maharashtra Industrial Development Corporation

..Versus..

Deorao Ramkrushna Tirathkar through L.Rs. and others

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

Court's or Judge's orders

Shri Ganesh K. Iyer, Adv. h/f Shri M.M. Agnihotri, Adv. for the appellant.
Mrs. S.W. Deshpande, Adv. for respondents 1 to 4.
Ms. B.P. Maldhure, A.G.P. for respondents 5 and 6.

CORAM : Z.A. HAQ, J.

DATE : 13.1.2015

This Court by the order dated 18th January, 2014 granted *ad interim* stay to the execution of the impugned award subject to appellant's depositing the amount as per the award within 12 weeks. The appellant had not deposited the amount within the stipulated time. This Court by the order dated 11th July, 2014 granted time to the appellant to deposit the amount till 8th August, 2014 and then by the

order dated 10th October, 2014 four weeks time was granted and again by the order dated 14th November, 2014 two weeks time was granted. Learned advocates for the respective parties submit that out of the amount of Rs.58 Lakhs the appellant has deposited the amount of Rs.50 Lakhs with the Reference Court and the balance amount remains to be deposited.

Shri Ganesh K. Iyer, advocate h/f Shri M.M. Agnihotri advocate for the appellant prays for time to deposit the balance amount. The appellant is granted time till 15th April, 2015 to deposit the balance amount with the Registry of this Court. If the amount is not deposited within the stipulated time, the interim order shall stand vacated without reference to the Court.

C.A.O.1262/2014.

The application is filed by the respondents 1 to 4 praying for permission to withdraw the amount deposited by the appellant. Considering the facts of the case, the respondents 1 to 4 are permitted to withdraw 30% of the amount deposited by the appellant before the

Reference Court on giving an undertaking that the respondents 1 to 4 shall deposit the amount with the Registry of this Court if the appeal filed by the appellant is allowed.

The respondents 1 to 4 are permitted to withdraw further 30% amount deposited by the appellant with the Reference Court on furnishing the solvent surety to the satisfaction of the Registrar of District Court, Amravati.

The withdrawal of the amount shall be only after the undertaking and solvent surety as directed above are furnished.

The balance amount deposited by the appellant before the Reference Court shall be invested in fixed deposit in any nationalized bank initially for a period of three years, to be renewed every year till the decision of the appeal.

If the appellant deposits the balance amount with the Registry of this Court, the same shall be invested in any nationalized bank initially for the period of three years, to be renewed every year till the decision of the appeal.

C.A.F. NO.67/2014.

Considering the reasons given in the application and the fact that the application is not opposed by the non-applicants inasmuch as reply is not filed, the delay of 2 days in filing the appeal is condoned. The civil application is allowed.

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Taken up on board by consent of the parties.

Admit.

Mrs. Deshpande, learned advocate waives notice for the respondents 1 to 4.

Ms. Maldhure, learned A.G.P., waives notice for the respondents 5 and 6.

JUDGE

Tambaskar.