

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

C.A.F. NO.2553/2013
IN
FIRST APPEAL STAMP NO.15780/2013

M.I.D.C.

..Versus..

Smt. Pannadevi Ramchandra Basraiya 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 Bhoyar, Adv. h/f Shri M.M. Agnihotri, Adv. for the applicant/appellant.
Shri S.S. Alaspurkar, Adv. for respondents 1 to 4.
Shri M.A.Kadu, A.G.P. for respondents 7 and 8.

CORAM : Z.A. HAQ, J.

DATE : 19.1.2015

Heard.

For the reasons stated in the application and the fact that it is not opposed by the non-applicants inasmuch as reply is not filed by the non-applicants, the delay of 44 days in filing the appeal is condoned. The civil application is allowed accordingly.

FIRST APPEAL STAMP NO.15780/2013

Taken up for admission on board by consent of the learned advocates appearing for the respective parties.

Admit.

Shri Alaspurkar, the learned advocate, waives notice for the respondents 1 to 4.

Shri Kadu, the learned A.G.P., waives notice for the respondents 7 and 8.

C.A.F. NO.2640/2013

Pursuant to the order passed by this Court on 23rd October, 2013, the applicant/appellant has deposited amount of Rs.8,65,627/-.

Shri Alaspurkar, the learned advocate submits that the applicant/appellant has not deposited the entire amount as per the impugned order. The parties to satisfy the learned Registrar (J.) on the point.

If it is found by the learned Registrar (J.) that the appellant has

not deposited the entire amount as per the impugned order, the applicant/appellant shall deposit the balance amount within two months of determination of the balance amount by the learned Registrar (J.), failing which the interim order shall stand vacated without reference to Court.

The parties to appear before the learned Registrar (J.) on 2nd February, 2015. The civil application is disposed of in the above terms.

C.A.O. NO.1261/2014.

This is an application filed by the respondents 1 to 4 praying that they be permitted to withdraw the amount deposited by the appellant. After the Registrar (J.) determines the issue as to whether entire amount as per the impugned order is deposited by the appellant and after the appellant deposits the amount, the respondents 1 to 4 are permitted to withdraw 50% of the amount on furnishing bank guarantee to the satisfaction of the Registrar (J.) of this Court. The respondents 1 to 4 shall keep the bank guarantee alive till the decision of the appeal and shall file an affidavit along with relevant documents

from the bank every year to show that the bank guarantee is kept alive.

The respondents 1 to 4 are permitted to withdraw 50% of the balance amount deposited by the appellant on filing an undertaking to the satisfaction of the Registrar (J.) that the respondents 1 to 4 shall redeposit the amount with the Registry of this Court, along with interest as would be determined by the Court, within the stipulated time, if the appeal is allowed. The civil application is disposed of in the above terms.

JUDGE

Tambaskar.