

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

**CIVIL APPLICATION (CAF) NO.2364 OF 2014
AND
CIVIL APPLICATION (CAF) NO.3530 OF 2014
IN
FIRST APPEAL NO.1331 OF 2013**

(Maharashtra Industrial Development Corporation ..vs.. Nirmal s/o Punamchand Sancheti 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 M.M. Agnihotri, Advocate for the applicant,
Shri U.J. Deshpande, Advocate for the non-applicant Nos.1 & 2,
Shri M.A. Kadu, AGP for the non-applicant Nos.3 and 4.

CORAM : Z.A. HAQ, J.
DATED : 06-02-2015

These are the applications filed by the applicant praying for permission to deposit the amount as per the impugned order. Considering the facts of the case, the applicant is permitted to deposit the amount. The applicant undertakes to deposit the amount within two weeks from today.

If the amount is deposited within the stipulated time, the interim order granted by this Court on 27-11-2013 shall continue, until further orders. If the amount is not deposited within the stipulated time, the interim order shall stand vacated.

If the amount is deposited within the stipulated time, the non-applicant Nos.1 and 2 are permitted to withdraw 50% of the amount on furnishing solvent surety to the satisfaction of the learned Registrar

(Judicial) of this Court. In addition, the non-applicant Nos.1 and 2 shall file separate undertakings to the satisfaction of the learned Registrar (Judicial) of this Court, to the effect that in case at the time of hearing of the appeal, it is found that the non-applicant Nos.1 and 2 are not entitled for the amount permitted to be withdrawn by them, the non-applicant Nos.1 and 2 shall redeposit the amount with interest as would be determined by this Court within the stipulated time. The balance amount shall be kept in fixed deposit in a Nationalised Bank initially for the period of three years, to be renewed every year till the decision of the appeal.

The civil applications are disposed in the above terms.

Civil Application No.1473 of 2014.

For the reasons stated in the application and the fact that it is not opposed by the appellant and the other respondents inasmuch as the reply is not filed, the delay in filing the cross-objection is condoned. The civil application is allowed.

Cross-objection Stamp No.22159 of 2014.

Heard.

Admit.

The cross-objection be included in the paper-book.

JUDGE