

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

CIVIL APPLICATION (CAF) NO.2860 OF 2014

IN

FIRST APPEAL NO.440 OF 2014

(Depot Manager, MSRTC, Wardha ..vs.. Sujata S. Patil 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 V.H. Kedar, Advocate for the appellant,
Shri A.R. Rishi, Advocate for the respondent Nos.1 to 5.

CORAM : Z.A. HAQ, J.

DATED : 03-03-2015

This Court, by the order dated 04-7-2014, admitted the first appeal and granted *ad interim* stay to the execution of the impugned Award on condition that the appellant deposits 50% of the amount of compensation within six weeks. The appellant deposited the amount pursuant to the order passed on 04-07-2014.

This Court has passed order on the Civil Application No. 2860/2014 on 27-11-2014 permitting the respondent Nos.1 to 5/claimants to withdraw 50% of the amount deposited by the appellant on furnishing undertaking and directed that the application be listed after three weeks for further orders. Accordingly, the application is required to be considered.

Shri A.R. Rishi, the learned Advocate for the respondent Nos.1 to 5 submits that the civil application

was kept after three weeks for further orders to enable the appellant to file reply to the civil application. Shri V.H. Kedar, the learned Advocate for the appellant disputes this. Be that as it may, considering the facts of the case and status of the respondent Nos.1 to 5/claimants and the defence raised by the appellant, I am convinced that the respondent Nos.1 to 5 can be permitted to withdraw the balance amount also. This Court, by the order dated 27-11-2014, has permitted the respondent Nos.1 to 5/claimants to withdraw 50% of the amount deposited by the appellant with the Registry of this Court.

The respondent Nos.1 to 5/claimants are permitted to withdraw the balance amount deposited by the appellant with the Registry of this Court, on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court, to the effect that if at the time of hearing of the appeal it is found that the respondent Nos.1 to 5 are not entitled for the amount withdrawn by them, they shall re-deposit the amount with interest as would be determined by this Court within the stipulated time.

The civil application is allowed in the above terms.

Civil Application (CAF) NO.1156 of 2014.

The applicant has deposited the amount.

The interim order granted by this Court on 04-07-2014 shall continue until further orders.

JUDGE

pma