

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO.519 OF 2016  
IN  
FIRST APPEAL (ST). NO.27321 OF 2014**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr.Tushar Sonawane for the applicant

**CORAM : K. K. TATED, J.  
DATED : 09/02/2016**

**PC.:**

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 The learned counsel for the applicant submits that Civil Application No.4161 of 2014 and Civil Application No.4163 of 214 stand dismissed in view of conditional order dated 16.4.2015 passed by learned Registrar (Judicial-II) for non-payment of bhatta charges and furnishing copies.

3 The learned counsel for the applicant submits that inadvertently it remained on the part of the advocate to pay bhatta charges stipulated time. He submits that applicant undertakes to pay bhatta charges and remove all office objections within one week from today.

4 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application.

5 It is to be noted that in the present proceeding by the Judgment and award dated 27.1.2014 passed by MACT at Nasik in MACP No.116 of 2006, the Tribunal awarded sum of Rs.12,74,000/- with 7% interest p.a. by way of compensation.

6 The applicant as per order dated 10.12.2014 passed by this court deposited sum of Rs.4,00,000/- in the Registry of this court and Rs.25,000/- as statutory deposit.

7 Considering the above mentioned facts and circumstances in the present matter, I am of the opinion that respondents claimants are entitled to withdraw the amount deposited by the applicant. Hence, following order :

- a) Delay in preferring Civil Application is condoned.
- b) Order dated 16.4.2015 passed by the learned Registrar (Judicial-II) is set aside.
- c) Civil Application No.4161 of 2014 and Civil Application No.4163 of 2014 is restored on file for hearing on its own merits.
- d) Applicant to remove all office objections

within one week from today, failing which Civil Application shall stand dismissed without referring back to the court.

e) Registry is directed to transfer entire amount deposited by the Applicant to the concerned MACT at Nasik in MACP No.116 of 2006 with accrued interest immediately.

f) Respondent claimant, Santosh Fakkadrao Deore and Fakkadrao Deoram Deore, both of them are entitled to withdraw entire amount in equal proportion without furnishing any security but subject to outcome of First Appeal.

g) Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**