

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

CIVIL APPLICATION (F) NO.2974 OF 2016

IN

FIRST APPEAL NO.611 OF 2015

(The State of Maharashtra, through its Collector, Gondia and another ..vs.. Fagusingh s/o Lakhansingh
Munde 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.A. Kadu, AGP for the appellants,
Shri R.M. Pande, Advocate for the respondent Nos.1 to 8,
Shri S.A. Jaiswal, Advocate for the respondent No.9.

CORAM : Z.A. HAQ, J.

DATED : 27-10-2016

After the order came to be passed on 20-10-2016, the appellants have deposited Rs.41,47,582/-. The grievance of the claimants is that still the claimants are entitled for Rs.4,66,465/- towards interest on the amount which was not deposited, the interest being chargeable at the rate of 15% per annum as per clause (4) of the impugned award. The Advocate for the respondent No.9 has submitted that the claimants would be entitled for interest at the most at the rate of 7% to 8% per annum. This submission cannot be accepted as the reference Court has directed the appellants to pay interest at the rate of 15% per annum after first year and this Court, by the order dated 25-06-2015, directed the appellants to deposit 50% of the amount as awarded by the reference Court.

The appellants shall calculate the amount which is required to be deposited by them because of the delay in depositing the amount, the interest should be calculated at the rate of 15% per annum as directed by the reference Court. This amount shall be deposited with the registry of this Court within one month.

The amount which is deposited on 21-10-2016 and which will be deposited be given to the claimants on furnishing undertaking as per the order passed by this Court on 25-06-2015. The amount shall be transmitted in the joint account of the respondent Nos.1 to 8 or in the account of any one of them after obtaining affidavit from the remaining claimants that the amount be transferred to the account of any one of the claimant.

The civil application is disposed in the above terms.

Civil Application No.1368 of 2015.

If the amount which remains to be deposited, is deposited within two months, the execution proceedings shall stand stayed.

If the amount is not deposited within two months, the claimants may proceed with the execution to recover the balance amount for which they would be

entitled after adjusting the amount which is deposited by the appellants with the registry of this Court.

The civil application is disposed in the above terms.

First Appeal No.611 of 2015.

In view of the orders passed on Civil Application No.2974 of 2016 and Civil Application No.1368 of 2015, the further proceedings pursuant to the show cause notice issued as per the order dated 29-09-2016 are not required to be taken up. The show cause notice issued as per the order passed on 29-09-2016 is withdrawn.

JUDGE

adgokar