

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

SECOND APPEAL NO.547 OF 2017

Union of India, thr. General Manager and anr.

..vs..

Gyan Construction, thr. its Proprietor Santu s/o Late Garib Sahu

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri M.M. Agnihotri, Counsel for the appellants.

Shri P.V. Bhoyar, Counsel for the respondent.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 8, 2017.

1. Heard learned counsel Shri M.M. Agnihotri for the appellants and learned counsel Shri P.V. Bhoyar for the respondent.

2. The second appeal is **ADMITTED** on the following substantial question of law:

Whether the finding recorded that the plaintiff had proved engagement of twenty labourers has been recorded in accordance with law?

3. Learned counsel Shri P.V. Bhoyar waives service on behalf of the respondent.

Civil Application (CAS) No.473 of 2017

1. This is an application for Stay.
2. Heard learned counsel Shri M.M. Agnihotri for the applicants/appellants and learned counsel Shri P.V. Bhoyar for the non-applicant/respondent.
3. Today, the present second appeal is admitted since it involves a substantial question of law.
4. There shall be Stay in terms of prayer clause (a) of this application, however, subject to condition that the applicants/appellants deposit entire decretal amount before the Trial Court after adjusting 50% of the decretal amount within a period of eight weeks from today.
5. The civil application is allowed and disposed of.

Civil Application (CAO) No.1031 of 2017

1. This application is filed by the respondent for directing the appellants to refund security deposit of Rs.70,000/-.
2. After hearing learned counsel for both the parties, in the interest of justice following order is passed:

The respondent will be entitled to receive by way of refund security deposit of Rs.70,000/- which is kept in the State Bank of India vide Term Deposit Receipt No.TD/A/36-901283 along with interest

accrued thereon with a condition that if the present second appeal filed by the Union of India, which is admitted, is decided in favour of the appellants, the respondent will refund back the amount which is withdrawn by the respondent from Term Deposit Receipt No.TD/A/36-901283 within a period of six months on a condition that the respondent files an undertaking before this Court about return of the said amount. The undertaking to be filed within a period of six weeks from today.

3. The civil application is disposed of.

Civil Application (CAS) No.929 of 2017

1. Learned counsel Shri M.M. Agnihotri for the applicants/appellants states that he is not pressing this application.
2. The civil application is disposed of as not pressed.

JUDGE

!! BRW !!

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