

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

CAF No. 1939 of 2017 In FA (St) No. 23641/2016

Applicant : MIDC
versus

Respondents : Mahadeo and ors

Shri J. B. Kasat, Advocate for applicant

Shri N. M. Kolhe Advocate for respondent no. 1

Coram : S. B. Shukre, J

Dated : 13th October 2017

P.C.

CAF No. 1939 of 2017 : In view of the law settled by the Hon'ble Apex Court, the appellant being acquiring and beneficiary body, is a necessary party and, therefore, this application is allowed. Leave to file appeal is granted. .

CAF No. 3852 of 2017 : Heard. For the reasons stated in the application, delay caused in filing the appeal is condoned. Disposed of. Appeal be registered.

FA (St) No. 23641/2016 : Heard. Admit. Call for Record and Proceedings. Shri N. M. Kolhe, learned counsel waives notice for respondent no. 1 and Shri Harshal Dube, learned Assistant Government Pleader waives notice for respondents no.2 and 3.

CAF No. 2363 of 2017 : Appeal is admitted. Since the entire decretal amount has been deposited in this Court, there shall be stay to the impugned judgment and decree pending final disposal of the appeal. Disposed of.

CAF No. 3973 of 2017 : Heard. Prayer is to permit the claimant/respondent no. 1 to withdraw the amount of enhanced compensation. It is submitted that in similar matter, this Court has permitted the claimants therein to withdraw 50% of the amount of furnishing undertaking and remaining 50% amount subject to furnishing solvent surety.

The fact of similar permission being granted is not contested by learned counsel for the appellant.

Hence, respondent no. 1 /claimant is permitted to withdraw 50% of the amount of enhanced compensation, subject to furnishing usual undertaking and remaining 50% amount is permitted to be withdrawn subject to their furnishing solvent surety to the satisfaction of Registrar (Judicial), both to be furnished within ten weeks from today. Disposed of.

JUDGE

joshi