

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

CIVIL APPLICATION (CAO) NO. 1650 OF 2018
IN
CIVIL APPLICATION (CAF) NO.1973 OF 2014(D)
IN
FIRST APPEAL NO. 141 OF 2013

(MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPN.....VS.. VIMALABAI BHAGIRATH AGAWAL & OTH)

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

Court's or Judge's orders

Shri Sharad Thakre, Adv.h/f. Shri M.M.Agnihotri, Adv. for Appellant.
Shri Giramkar, Adv. h/f.Shri A.H.Lohiya, Adv. for Respondent No.1.
Shri N.R.Saboo, Advocate for Respondent No.2.
Ms A.R. Kulkarni, A.G.P. for Respondent No.s. 4 and 5.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 14, 2018.

The appellant(acquiring body) has filed appeal to challenge the award passed by the reference Court under Section 34 of the Maharashtra Industrial Development Corporation Act, 1961. The learned advocate for the appellant submits that the controversy is covered by the judgment delivered by this Court in First Appeal No. 486 of 2011 on 30th August, 2016.

Shri Giramkar, advocate holding for Shri A.H. Lohiya, advocate appearing for the applicant in Civil Application No.1650 of 2018 has submitted that the applicant in Civil Application No.1650 of 2018 is entitled to withdraw 70% of the amount deposited by the appellant with the Registry of this Court. To support this submission, the order passed by this Court on 21st July 2015 is pointed out. On 21st July 2015 the respondent No.1 was alive. The respondent No.1 died on 20th October 2015, as stated in paragraph 2 of

this civil application. The applicant is not impleaded as respondent in the first appeal. The applicant has not prayed that he be permitted to participate in the proceedings as respondent. It is unexplained as to how the applicant can seek directions to the Registry to release amount in his name. The application is misconceived. It is **dismissed**.

For filing the untenable application, Ashok Bhagirath Agrawal shall deposit Rs.Twenty Thousand with High Court Legal Services Sub-Committee, Nagpur and produce receipt of it on record till next date of hearing.

This step is required to be taken because of the unmindful application filed by the applicant. The appeal which could have been disposed today could not be disposed and the advocate for the appellant/acquiring body has complained that the details i.e. complete names and addresses of the Legal Representatives of the respondent No.1 are not given by the applicant because of which the application for bringing the Legal Representatives of the respondent No.1 could not be filed.

List the appeal for further consideration on 5th October, 2018.

JUDGE