

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

CIVIL APPLICATION (CAO) NO.1327/2018

IN

CROSS OBJECTION NO.26/2017

IN

FIRST APPEAL NO.286/2015

Indian Airport Authority

..VS..

State of Mah., thr. Collector, Gondia and ors

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

Court's or Judge's Order

.....
Shri R.M. Pande, Counsel for applicants (LRs of respondent No.3).
Mrs. Vaishali Khadekar, Counsel for cross-objector.
Shri K.R. Lule, AGP for non-applicant Nos.1 and 2.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : JULY 30, 2018.

1. This is an application for brining legal heirs of deceased respondent No.3 on record.
2. Heard learned counsel for the parties.
3. For the reasons stated in the application, the application is allowed. The legal heirs of deceased respondent No.3 be brought on record. Accordingly, the amendment be carried out within a period of one week from today. The civil application stands disposed of.

CAO No.1326/2018

1. This is an application for withdrawal of the amount.
2. Heard learned counsel for the parties.

3. It is stated that pursuant to order dated 10.4.2017 passed by this Court the cross-objector has deposited the amount of Rs.12,90,665/- with the Registry of this Court on 5.5.2017. By order dated 21.7.2017, respondent No.3 was permitted to withdraw the amount to the extent of 75% which was deposited in the Court and remaining on furnishing solvent surety. According to learned counsel for respondent No.3, 75% of the amount was already withdrawn on usual undertaking, however since respondent No.3 expired 23.12.2017, the remaining amount could not be withdrawn.

4. In view of the peculiar facts and circumstances of the case, the civil application is allowed. The remaining 25% of the amount is allowed to be withdrawn on claimants furnishing solvent surety/security to the satisfaction of the Registrar (J) of this Court. The said order be implemented on bringing legal heirs of respondent No.3 on record. The the civil application stands disposed of accordingly.

JUDGE

!! BRW !!

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