

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

CIVIL APPLICATION (CAF) NO.2512/2018 IN FA NO.109/2006
Maharashtra Industrial Development Corporation, thr. its Chief Executive Officer, Regional Office
at Amravati

..VS..

Datta Dajiba Itkare (deceased) thr. his LRs and ors

Datta Dajiba Itkare (deceased) thr. his LRs and ors : Applicants

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

Court's or Judge's Order

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Shri D.G. Patil, Counsel for applicants/respondent Nos.1a(i) to 1a(v), 1b, 1c & 1d (claimants).
Shri Sharad Thakare, Counsel for the appellant.
Shri S.D. Sirpurkar, AGP for respondent Nos.2 and 3.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 16, 2018.

1. This is an application filed on behalf of the claimants for permission to withdraw the entire accrued interest on decretal compensation amount deposited by the appellant/Maharashtra Industrial Development Corporation before this Court.
2. Heard learned counsel Shri D.G. Patil for the claimants, learned counsel Shri Sharad Thakare for the appellant, and learned Assistant Government Pleader Shri S.D. Sirpurkar for respondent Nos.2 and 3.
3. The first appeal was filed on behalf of the Maharashtra Industrial Development Corporation before this Court. During the pendency of the appeal, as per the directions given by this Court, the appellant deposited 50% of the decretal compensation amount before this Court. On 12.4.2008, this Court directed that the claimants herein be permitted to withdraw 1/3rd amount so deposited by the appellant along with interest accrued thereon.
4. On 4.5.2017, the first appeal filed on behalf of the appellant was partly allowed.
5. After the appeal was allowed, the present applicants/claimants

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filed an application bearing Civil Application No.620/2018 for withdrawal of the remaining decretal amount deposited by the appellant. On 6.4.2018, the said permission was granted. However, it appears that the interest part was remained to be ordered. Consequently, the claimants have withdrawn the remaining principle decretal amount. However, the interest is still lying in this Court. Therefore, the present application is filed.

6. Learned counsel Shri Sharad Thakare for the appellant/Maharashtra Industrial Development Corporation has no objection for allowing the present application.

7. In that view of the matter, the present application is allowed. The claimants herein will be entitled to withdraw the entire accrued interest accrued on the decretal amount so deposited by the appellant.

8. The civil application is allowed in terms of its prayer clause and disposed of accordingly.

JUDGE

!! BRW !!

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