

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

CIVIL APPLICATION NO.267 OF 2018
IN MISC. CIVIL APPLICATION ST. NO. 26716 OF 2017
IN FIRST APPEAL ST. NO.543 OF 2011 (R.C. NO.834/2018)

(Maharashtra Industrial Development Corporation vs. Dilip s/o Hiralal Shah and another)

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

Shri S. Thakre, Advocate for applicant/appellant.
Shri J.J. Chandurkar, Advocate for respondent no.1.
Mrs. M.H. Deshmukh, Assistant Government Pleader for
respondent no.2.

CORAM : MANISH PITALE, J.

DATED : FEBRUARY 13, 2018

This is an application for restoration of appeal, which stood dismissed on 27/9/2016 due to failure to remove office objections. It is accompanied by application for condonation of delay.

For the reasons stated in the applications, same are allowed. Delay is condoned and appeal is restored.

CIVIL APPLICATION NO. 545 OF 2011

This is an application for condonation of delay in filing appeal.

Shri Chandurkar, learned Counsel appearing on behalf of respondent no.1, and Mrs. Deshmukh, learned Assistant Government Pleader appearing on

behalf of respondent no.2, do not raise any serious objection to the prayer made in this application.

Hence, this application is allowed and delay is condoned.

CIVIL APPLICATION NO. 3977 OF 2016

This is an application filed on behalf of respondent no.1/claimant seeking permission to withdraw the amount of compensation deposited by appellant in this Court.

I am inclined to allow this application for the reasons stated on behalf of respondent no.1/claimant. It is also pointed out that respondent no.1/claimant would find it difficult to come to Nagpur for withdrawal of amount deposited by appellant. Hence, it is directed that amount of compensation deposited by appellant in this Court be transferred to the Reference Court at Amravati. The respondent no.1/claimant shall be permitted to withdraw 50% of the amount from the Reference Court, Amravati upon furnishing solvent surety to the satisfaction of the said Court and be further permitted to withdraw balance 50% amount on furnishing an undertaking before said Court to the effect that in the event appeal is allowed, respondent no.1/claimant shall refund the amount with such interest as this Court may direct while passing final order. The application is disposed of.

FIRST APPEAL ST. NO.543 OF 2011

Heard learned Counsel for the parties.

Admit.

Shri Chandurkar, learned Counsel waives notice on behalf of respondent no.1. Mrs. Deshmukh, learned Assistant Government Pleader waives notice on behalf of respondent no.2.

Call for R & P.

Learned Counsel for appellant is granted two months' time to file private paper book.

JUDGE

khj