

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

CIVIL APPLICATION (CAF) NO.16/2019
IN
FIRST APPEAL NO.593/2018

Maharashtra Industrial Development Corporation, through its Chief
Executive Officer, Amravati and others
...Versus...
Mahavir Deolal Yadav and others

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

Court's or Judge's orders

Shri Sharad Thakare, Counsel for appellants
Shri B.N. Mohta, Counsel for respondent nos.1 to 5/applicants
Shri S.D. Sirpurkar, AGP for respondent no.6

CORAM : ARUN D. UPADHYE, J.

DATE : 23/01/2019

Heard.

This is an application filed the
applicants/respondent nos.1 to 5 for withdrawal of amount
deposited in this Court by the appellants.

Perused the contents of the application. The
learned Counsel for the appellants has submitted that this
case is covered by the judgment delivered by this Court on
19/7/2017 in First Appeal No.483/2010 with connected
matter and therefore, at the most the applicants/respondent
nos.1 to 5 are entitled for withdrawal of 50% of the amount.

The learned Counsel for the applicants/respondent nos.1 to 5 has submitted that the applicant no.1 is having half share and applicant nos.2 to 5 are having half share in the property, being legal representatives of Madanlal and therefore, 25% amount be permitted to be withdrawn by applicant no.1 – Mahavir Deolal Yadav and remaining 25% be permitted to be withdrawn by the applicant no.2 – Smt. Geetabai Madanlal Yadav.

Having heard the learned Counsel for the parties and considering the facts and circumstances of the case, I pass the following order.

ORDER

- (i) The civil application is partly allowed.
- (ii) The applicant no.1 – Mahavir Deolal Yadav is permitted to withdraw 25% of the amount upon furnishing usual undertaking to the effect that he will refund the amount in case the first appeal is allowed.
- (iii) The applicant no.2 – Smt. Geetabai Madanlal Yadav is permitted to withdraw 25% of the amount upon furnishing usual undertaking to the effect that she will refund the amount in case the first appeal is allowed.
- (iv) Remaining 50% amount be kept in fixed deposit, till disposal of the appeal.

The civil application is disposed of accordingly.
No order as to costs.

JUDGE

Wadkar, P.S.