

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

CIVIL APPLICATION (F) NO. 2382/2019

IN

FIRST APPEAL NO. 1160/2016

MIDC

..VS..

Abdul Hussain Hamjabhai & ors.

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

Court's or Judge's orders

Shri S. Thakre, Adv h/f Shri M.M. Agnihotri, Adv for the appellant
Shri S.C. Mehadia, Advocate for the respondent nos. 1 to 6
Ms. S. Jachak, APP for the respondent/State

CORAM : Z.A.HAQ & M.G.GIRATKAR, JJ.

DATED : 11/11/2019

By this application, the respondents – claimants pray that the appellant – Corporation be directed to deposit the balance amount as per the impugned award.

By the order dated 11/01/2017, after hearing the advocates for the appellant - Corporation and respondent – claimants, this Court passed reasoned order directing the appellant – Corporation to deposit 60% of the amount of compensation within 12 weeks from the date of the order. Accordingly, the appellant – Corporation has deposited the amount.

Considering the fact that reasoned order came to be passed on 11/01/2017 on the point, in our view, the prayer made in this application cannot be considered, at this stage.

Hence, the civil application is **dismissed**.

CIVIL APPLICATION (F) NO. 2383/2019

By the order dated 11/01/2017, this Court permitted the claimants to withdraw 50% of the amount on furnishing solvent surety/security.

By this application, the respondents – claimants have prayed that they be permitted to withdraw the amount deposited by the appellant – Corporation as per the order dated 11/01/2017.

In view of the order dated 11/01/2017, the prayer made in this civil application by the respondents – claimants seeking permission to withdraw the entire amount deposited by the appellant – Corporation cannot be granted.

The respondents – claimants will be at liberty to withdraw 50% of the amount on furnishing solvent surety/security as permitted by the order dated 11/01/2017.

With the above observations, the civil application is **dismissed**.

JUDGE

JUDGE

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