

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

CIVIL APPLICATION NO. (CAF) NO. 3841 OF 2019
IN
FIRST APPEAL NO. 245 OF 2005

(Maharashtra Industrial Development Corporation Vs. Arun Ganpatrao Shende
(dead) through LRs Smt. Usha Wd/o Arun Shende & others)

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

Court's or Judge's orders.

Shri S.R. Charpe, learned counsel for respondent nos.
1 & 2.
Shri T.A. Mirza, learned A.G.P. for respondent no.4.

CORAM : ANIL S KILOR, J.
DATE : 22nd JANUARY, 2020.

This is an application filed by the respondents for permission to withdraw the entire amount deposited by the appellant alongwith interest accrued thereon.

2. Shri Charpe, learned counsel for the respondent/applicant submits that the appellant MIDC had preferred First Appeal No. 245/2005 raising a grievance that since the appellant is an acquiring body it ought to have impleaded as party before the reference Court by the claimant in order to enable the acquiring body to place its side of the matter before the Court.

3. As per the order of this Court in First Appeal No. 245/2005, the appellant acquiring body had deposited the entire decretal amount in this

Court on two occasions namely on 09.06.2005 and thereafter on 17.08.2006. The said amount is invested in fixed deposit and is lying with the Registry of this Court. Shri Charpe learned counsel for the respondents further points out that after the remand of the matter on the grounds raised by the appellant MIDC in First Appeal No. 245/2005, the reference Court maintained the order relating to compensation vide its judgement and award dated 05.07.2006 and it was challenged in First Appeal No. 831/2006. Shri Charpe, learned counsel for respondents had invited attention of this Court to the final judgment of this Court dated 21st March, 2016 whereby the appeal came to be dismissed.

4. Shri Tahsin Mirza, learned counsel for the respondent no.4 State has no objection if the application is allowed and respondents are permitted to withdraw the amount.

5. The counsel for the appellant is absent.

6. In view of the above referred facts, application No. 3841/2019 filed by the respondents is allowed.

7. The respondents are permitted to withdraw the amount with accrued interest thereon. Accordingly, Civil Application is disposed of.

JUDGE