

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2352 OF 2019
IN
FIRST APPEAL NO.237 OF 2020

Prakash Yeshwant Shelar] Applicant

Vs.

BEST UNDERTAKING

Electric House, Colaba, Mumbai -1] Respondent

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Ms. Shraddha Cheeda i/b M/s. Navdeep Vora & Associates, for Applicant.

Ms. Amrin Khan i/b Mr. Avinash Gokhale, for Respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 9TH MARCH, 2021.

P.C.

1. Heard Ms. Khan, learned Counsel for the applicant.
2. Prayer of the applicant in this application is to allow him to withdraw the entire amount of compensation awarded by M.A.C.T, Mumbai in Application No.85 of 2012.
3. The necessity for withdrawal of the amount of compensation has been described in paragraphs 9 and 10 of the application.

4. Learned Counsel for the respondent-BEST Undertaking, however, raises objection for permitting the applicant to withdraw the entire amount of compensation by stating that the respondent has a good case on merits.
5. After considering the submissions at bar, at this stage, the applicant is permitted to withdraw 50% of the amount of compensation with accrued interest.
6. The applicant shall furnish an undertaking at the time of withdrawing the amount that if the respondent-BEST Undertaking succeeds in the appeal, he will refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.
7. If applicant does not file an undertaking at the time of withdrawing the amount of compensation, the amount deposited by the respondent shall be invested by the M.A.C.T in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.
8. If 50% amount is withdrawn by the applicant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.
9. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]