

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

CIVIL APPLICATION NO. 1853/2021 IN FIRST APPEAL NO. 891/2010 (D)
WITH CROSS OBJECTION NO. 25/2021

M.I.D.C. Ltd. vs. Balu Sheshrao Murumkar and anr.

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

Court's or Judge's orders.

Mr. A. P. Tathod, Advocate for applicant/respondent no.1.
Mr.M. M. Agnihotri, Advocate for non applicant/appellant
Mrs. S. Haider, A.G.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : NOVEMBER 30, 2021

This is an application for direction to appellant-MIDC to deposit the entire amount of compensation. This application is moved by original claimant.

The claimant, who has moved this application is represented by Mr. Tathod. Appellant-MIDC is represented by Mr. Agnihotri and State is represented by Mrs. Haider.

Undisputedly, first appeal filed on behalf of the appellant was dismissed by this Court (Coram: Smt. Anuja Prabhudessasi, J.) on 18.02.2021. While dismissing the appeal, cross-objection filed by the claimant was allowed.

It is pointed out to this Court that while admitting the appeal, appellant was directed to deposit 75% of the decretal amount and accordingly, 75% of the decretal amount was deposited. It is also pointed out that out of the said amount, the claimants were allowed to

withdraw an amount of Rs.4,00,000/- and rest of the amount was ordered to be deposited in the fixed deposit for three years with renewal clause.

It is an admitted fact that remaining 25% of the decretal amount is yet to be deposited.

By the present application, the claimants are submitting that the appellant be directed to deposit the remaining amount of original decretal amount along with interest. They also submitted that as per the directions of this Court, while allowing the cross-appeal though the appellant was directed to deposit the enhanced amount of compensation with the statutory component, same is yet to be deposited. Hence, the appellant be directed to deposit the same.

Mr. Agnihotri, learned counsel for appellant submitted that they have instructions from the appellant to make a statement that they are ready to deposit the entire amount within 10 days from today.

The statement is accepted.

Though the appellant is praying for ten days, the Court is granting three weeks time to deposit the entire amount. Accordingly, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) The appellant is directed to deposit the remaining 25% amount of the original amount under the judgment and decree with the reference Court along with accrued interest thereon.

(iii) The appellant is also directed to deposit the enhanced amount of compensation as directed by this Court while allowing cross-appeal filed by the claimant along with statutory component.

(iv) The claimant is permitted to withdraw the remaining amount which was deposited in the fixed deposit receipt along with accrued interest thereon. The claimant is also entitled to withdraw the entire amount deposited by the appellant i.e. remaining 25% with interest and the enhanced amount of compensation along with statutory component after the amount is deposited by the appellant within three weeks from today.

The application is disposed of.

JUDGE

kahale