

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 2534 OF 2016  
IN  
FIRST APPEAL NO. 1105 OF 2016  
WITH  
CIVIL APPLICATION NO. 469 OF 2013  
IN  
FIRST APPEAL NO. 1105 OF 2016**

The Commissioner, Nashik Municipal  
Corporation, Nashik

...Applicant

***Versus***

Mr.Tasduk Hussain Gulal Hussain  
Indorwala(Deceased)Lrs. Mr. Zohair Tasduk  
Hussain Indorewala And Ors.

...Respondents

.....

Mr.Murlidhar L. Patil, Advocate for Applicant.

Mr.A.R. Patil Addl. G.P., for Respondent – State.

Ms.Bhavna Khemani, Advocate for Respondents.

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**CORAM : K.R. SHRIRAM &  
RAJESH S. PATIL, JJ.**

**DATED : 6<sup>th</sup> APRIL 2023**

**P.C. :**

1 This application is to bring on record legal heirs of Respondent No.1. Ms.Khemani has no objection. Application is allowed in term of prayer Clause (a). Appeal to be admitted and amended Appeal to be served on the parties within two weeks from today.

2 Civil Application disposed.

**CIVIL APPLICATION NO. 469 OF 2013**

1           On 20<sup>th</sup> February 2013 this Court had stayed the execution and operation of the impugned judgment and order subject to condition of Appellant depositing with reference Court 50% of the compensation amount payable as on that date within a period of six weeks. Mr.Patil states the amount has been deposited. Mr.Patil relies upon a letter dated 19<sup>th</sup> January 2015 from Nashik Municipal Council to the reference Court forwarding a cheque for Rs.14,94,54,892/-.

2           We note that the amount has been deposited almost two years after the order was passed and it is also not clear as to how the figure of Rs.14,94,54,892/- was arrived at.

3           The Commissioner Nashik Municipal Corporation is directed to within one week from today give detailed calculations of how this amount of Rs.14,94,54,892/- was arrived at and the communication shall be addressed to advocate for Respondents. No extension will be granted and this Court may be constrained to take action if it is not strictly complied with. We are constrained to pass this order because the six weeks period which was given to the

Corporation *vide* order dated 20<sup>th</sup> February 2013 expired on 3<sup>rd</sup> April 2013, but, the amount was deposited only around 20<sup>th</sup> January 2015 by cheque dated 13<sup>th</sup> January 2015. Respondents may apply if this order is not complied with.

**(RAJESH S. PATIL, J.)**

**(K. R. SHRIRAM, J.)**