

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

CAF No. 2417 of 2010 In FA No. 343 of 2011
MIDC v. Bhaskar and ors

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

—
Court's or Judge's orders.

Mr M. M. Agnihotri, Adv for appellant
Mr P. A. Abhyankar, Adv for applicant/R-1

CORAM : A. P. BHANGALE AND
C. V. BHADANG, JJ

DATED : 8th October 2014

1. Applicant/respondent no. 1 was allowed to withdraw 1/5th of the compensation amount vide order dated 21st November 2011 on the condition of furnishing security to the satisfaction of Registrar (Judicial). By this application, respondent no. 1 is seeking relaxation of condition as to the furnishing of security.

2. Learned counsel for respondent no. 1 submits that respondent no. 1 has nothing to offer by way of security and the only asset he had, has been acquired for MIDC. He further submits that respondent no. 1 by reason of his age, is unable to earn for his livelihood and to raise money to meet his medicinal expenses. He is somehow surviving by doing vehicle cleaning work.

3. We are unable to accede to the demand made for relaxation of condition as the amount of Rs. 17,06,192/- falling to the probable share of applicant, cannot be allowed to go without security. However, looking to the age of applicant and his incapacity to earn for his livelihood, we suggested learned counsel for applicant whether it would be viable if the amount of probable share is kept in a fixed deposit with any nationalized bank and amount earned therefrom by way of interest is made over to the applicant during the pendency of appeal. Learned counsel for applicant states that this arrangement would be convenient to the applicant and applicant would undertake to refund the amount of interest if final decision in the appeal so demands.

4. In view of the above, we pass the following order :

The amount of Rs. 17,06,192/- falling to the probable share of applicant/respondent no. 1 shall be invested with any nationalized bank in such a scheme which would fetch maximum monthly/quarterly interest. The amount of monthly/quarterly interest so earned from the deposit shall be released to the applicant/respondent no. 1. Respondent no. 1 shall file undertaking to the effect that he would refund the amount of interest if at all

final decision in the matter so demands. Application stands disposed of accordingly.

JUDGE

JUDGE

joshi