

General Manager (Randr) Vs. Rajkumar

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Court : Madhya Pradesh

Decided On : Jul-30-2012

Appellant : General Manager (Randr)

Respondent : Rajkumar

Advocate for Def. : Shri. Shashank Upadhyaya

Advocate for Pet/Ap. : Shri. A.J.Pawar

Judgement :

F.A.No.519/2012 30.7.2012 Shri R.N.Singh, learned Senior Advocate assisted by Shri A.J.Pawar, Counsel for appellant.

Shri Shashank Upadhyaya, Counsel for respondent No.1 & 2.

Shri Jaideep Singh, Dy.G.A for respondents No.3 to 5.

I.A.No.7270/12 under Section 149 of CPC for extension of time for payment of deficit court-fee.

Alongwith the application, the appellant has paid deficit court- fee.

Considering aforesaid, prayer made in the application is allowed.

Time period for payment of deficit court-fee is extended till 27.6.2012, the date on which deficit court-fee was paid.

I.A.No.8026/2012 under section 5 of the Limitation Act.

There is delay in filing this appeal.

Considering the nature of appeal, short period of delay and to the fact that the respondents have no objection, if the delay in filing this appeal is condoned, delay in filing this appeal is condoned.

Heard on admission.

Admit.

Issue notice to the respondents.

Notice on behalf of respondent No.1 & 2 is accepted by Shri Upadhyaya and on behalf of respondents No.3 & 4 by Shri Singh, Dy.G.A.Appellant to serve memo of appeal to the counsel appearing for respondents, within 3 working days against acknowledgment.

Record of the reference Court and Land Acquisition Officer be summoned.

I.A.No.5842/12 for stay After hearing both parties, till further orders.following directions are issued:- (i) Appellant to deposit 50% of the awarded amount within a period of one month before the reference Court.

F.A.No.519/2012 (ii) Appellant shall also furnish security for the remaining amount as is required under Order 41 rule 5 of CPC to the satisfaction of the reference Court.

(iii) On compliance of the aforesaid, execution of the impugned award shall remain stayed.

Respondent no.1 & 2 shall be entitled to withdraw the amount by furnishing security to the satisfaction of the reference Court.

In case the amount is not withdrawn within a period of one month from the date of notice, the reference Court shall invest the deposited amount in a beneficial TDR in a nationalised bank, initially for a period of one year, extendable, in case the

appeal is not heard and decided within aforesaid period.

Be listed alongwith F.A.No.726/11 and other connected matters for analogous hearing.

C.C.as per rules.

(Krishn Kumar Lahoti) (Smt.Vimla Jain) Judge Judge M.

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