

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

C.A.F. NO. 3582 OF 2014 IN F.A. ST. NO. 24818/14.  
Executive Engineer (VIDC) Medium Project Division, Nagpur .vs. Rameshwar  
Punjabrao Gotmare & others.

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

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Mr. V.G. Palshikar, Advocate for applicant,  
Dr. Mrs. R.S. Sirpurkar, Advocate with Mr. C.R. Najbile,  
Advocate for respondent no. 1,  
Mrs. K. Deshpande, A.G.P. for respondent nos. 2 & 3.

**CORAM : B.R. GAVAI & SMT. MRIDULA R. BHATKAR, JJ.**

**DATED : MARCH 2, 2015.**

This is an application for condonation of delay.

The application is vehemently opposed by the learned Counsel for the claimant/respondent no.1 on the ground that no sufficient cause is made out to condone the delay.

No doubt that the perusal of the application would reveal that the appellants have been very casual in prosecuting the appeal and a blame is sought to be placed on the lawyer who was appearing for them on the ground that he did not inform about the judgment and award passed by the learned Reference Court. The perusal of the record shows that almost

a period of one year has gone between the date on which the application for certified copy was made and the certified copy was delivered.

No doubt that merely because a file was moving from one table to another cannot be a ground for condonation of delay. However, taking into consideration that the appellant is an instrumentality of State and huge amount belonging to public exchequer is involved, we are inclined to allow the application. The application stands allowed. However, the same shall be subject to costs which are quantified at Rs.25,000/-. The costs be deposited in this Court within a period of two weeks from today. On deposit of the costs, the respondents/claimants would be entitled to withdraw the same.

**CIVIL APPLICATION (CAO) NO. 372 OF 2015 :**

This is an application for withdrawal of the amount as awarded by the learned Reference Court.

Taking into consideration the reasoning given by the learned trial Court and further that the expert was examined on behalf of the respondent/claimant, we are inclined to allow the applicant/respondent no.1 to withdraw 50% of the amount. The said amount is permitted to be withdrawn without insisting upon furnishing of surety. However, the applicant shall file an

undertaking that in the event he is required to refund any amount under the orders of this Court, he would do the same within a period prescribed by this Court.

The remaining amount would be permitted to be withdrawn on the appellant furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court.

**Judge**

**Judge**

J.