

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

**INTERIM APPLICATION NO. 1388 OF 2020
IN
FIRST APPEAL NO. 137 OF 2020**

Ram Vitthal Patil ...Applicant

In the matter between

Union of India through Central Railway ...Appellant

vs.

Ram Vitthal Patil & Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 1389 OF 2020
IN
FIRST APPEAL NO. 134 OF 2020**

Narayan Kalya Patil ...Applicant

In the matter between

Union of India through Central Railway ...Appellant

vs.

Narayan Kalya Patil & Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 1390 OF 2020
IN
FIRST APPEAL NO. 139 OF 2020**

Ganubai Nathu Bhopi ...Applicant

In the matter between

Union of India through Central Railway ...Appellant

vs.

Ganubai Nathu Bhopi & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 1391 OF 2020
IN
FIRST APPEAL NO. 141 OF 2020

Haribhau Budhaji Patil & Ors. ...Applicants

In the matter between

Union of India through Central Railway ...Applicant

vs.

Budhaji Sitaram Patil (Deceased)

Through Legal Heirs

1. Smt.Lakshmibai Budhaji Patil (Deceased)

Through Legal Heirs

a. Shri Haribhau Budhaji Patil & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 1392 OF 2020
IN
FIRST APPEAL NO. 136 OF 2020

Smt.Lakshmibai Ragho Shendre & Ors. ...Applicants

In the matter between

Union of India through Central Railway ...Appellant

vs.

Shri Ragho Nama Shendre (deceased)

Through legal heirs,

a. Smt.Lakshmibai Ragho Shendre & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 1393 OF 2020
IN
FIRST APPEAL NO. 142 OF 2020

Shri Sunil Mahadeo Pawar & Ors. ...Applicants

In the matter between

Union of India through Central Railway ...Appellant

vs.
Mahadeo Budhaji Pawar (deceased)
through legal heirs
a. Shri Sunil Mahadeo Pawar & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 1394 OF 2020
IN
FIRST APPEAL NO. 143 OF 2020

Shri Balkrishna Mahadeo Patil & Ors. ...Applicants

In the matter between

Union of India through Central Railway ...Appellant
vs.
Anandibai Mahadeo (deceased)
through legal heirs
a. Shri Balkrishna Mahadeo Patil & Ors. ...Respondents

WITH
INTERIM APPLICATION NO. 1395 OF 2020
IN
FIRST APPEAL NO. 138 OF 2020

Sadashiv Kavlya Pawar ...Applicant

In the matter between

Union of India through Central Railway ...Appellant
vs.
Sadashiv Kavlya Pawar & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 1396 OF 2020
IN
FIRST APPEAL NO. 133 OF 2020

Shri Pandurang Bapu Patil ...Applicant

In the matter between

Union of India through Central Railway ...Appellant
vs.
Shri Pandurang Bapu Patil & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 1397 OF 2020
IN
FIRST APPEAL NO. 140 OF 2020

Shri Balaram Bhurya Shendre ...Applicant

In the matter between

Union of India through Central Railway ...Appellant
vs.
Shri Balaram Bhurya Shendre & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 1398 OF 2020
IN
FIRST APPEAL NO. 135 OF 2020

Madhukar Kanu Pawar & Anr. ...Applicants

In the matter between

Union of India through Central Railway ...Appellant
vs.
Shri Kanu Bapu Pawar (deceased)
though legal heirs
Madhukar Kanu Pawar & Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 2169 OF 2020
IN
FIRST APPEAL NO. 132 OF 2020

Anusaya Namdev Patil & Ors. ...Applicants

In the matter between

Union of India through Central Railway
vs.
Shri Kashinath Sitaram Patil (deceased)
through legal heirs
1. Shri Namdev Sitaram Patil (deceased)
through legal heirs
Anusaya Namdev Patil & Ors.
...Appellant
...Respondents

Ms.Sapana Rachure with Manjit Thakur for Applicants in all applications.
Mr.T.J. Pandian with Prachi Shah for Appellant.

CORAM : BHARATI DANGRE, J.

DATED : 11 OCTOBER 2021

PC. :

. By the aforesaid applications, modification is sought of the order dated 20 December 2019. By the said order, two contingencies were contemplated by my predecessor (Justice R.D. Dhanuka); one being withdrawal of the 50% amount deposited by the Appellant with the concerned reference court on furnishing an undertaking to the effect that in case of the appeal being allowed, the claimants would return the amount with interest as the court deem only after filing of undertaking. The court made it clear that the amount aforesaid would be withdrawn only after filing of such an undertaking. The second contingency contemplated was the Respondents were permitted to withdraw 50% of the amount deposited by the Appellant, but this was subject to the stipulation that the withdrawal would be conditional on furnishing bank guarantee of a Nationalized Bank in the reference court which shall include interest at the rate of 18% p.a. on the amount which shall be withdrawn by the Applicants. The bank guarantee was directed to be kept alive for five years and thereafter, for a like period during the pendency of the appeal.

2. Heard learned Counsel for the Applicants, who seek modification of the order on the ground that in some identical appeals, some persons from the village were permitted to withdraw 60% amount on furnishing an undertaking and 40% were permitted to furnish bank guarantee of a Nationalized Bank. That can be no reason for modification of the order as this court, on deliberating the issue and hearing Counsel for the Applicants and Respondents, deemed it appropriate to pass such an order. It do not find any illegality or perversity merely because in some other set of applications, it was otherwise.

3. The Applications are, therefore, rejected.

4. Needless to state that the time-frame prescribed in the order, of which modification is sought, since it has expired, stands extended and will be counted taking the order passed today as starting point.

(SMT. BHARATI DANGRE, J.)