

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

CIVIL APPLICATION (F) NO.4061 OF 2019 IN
FIRST APPEAL STAMP NO. 12251 OF 2019

Chief Executive Engineer, Madhyam Prakalpa Vibhag, Yavatmal
Vs.

Ramesh Devsingh Chavhan (dead) through legal heirs Smt. Yamunabai
Ramesh Chavhan and others

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

Court's or Judge's orders.

Ms I.P. Khishti, Advocate for applicant.
Shri S.V. Ingole, Advocate for non-applicant nos.1A to 1E.
Ms H.N. Jaipurkar, A.G.P. for non-applicant nos.2 and 3.

CORAM : PUSHPA V. GANEDIWALA, J.
DATE : 2nd SEPTEMBER, 2021.

Heard.

2. This is an application for condonation of delay of 623 days caused in filing the appeal.

3. Perused the application.

4. Considering the reasons as stated in paragraphs 3 and 4 of the application, the delay of 623 days caused in filing the appeal is condoned. Appeal be registered.

5. The application stands disposed of.

FIRST APPEAL NO. OF 2021

6. Heard.

7. **ADMIT.**

8. Shri S.V. Ingole, learned counsel waives service of notice for respondent nos.1A to 1E.

9. Ms M.H. Deshmukh, learned A.G.P. waives service of notice for respondent nos.2 and 3.

10. Call for record and proceedings.

CIVIL APPLICATION (F) NO.1743 OF 2021

11. By way of this application, respondent no.1A to 1E are seeking permission to withdraw the entire decretal amount deposited by the appellant.

12. It is stated that the appellant has deposited entire decretal compensation amount i.e. Rs.8,04,797/- with the Registry of this Court vide CCDR No.28644 dated 30.07.2021. It is stated that this Court vide order dated 23.03.2017, in Civil Application (F) No.1426 of 2017 in First Appeal No.1189 of 2016, permitted the claimants therein to withdraw 50% decretal amount on furnishing usual undertaking and 50% on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court. It is stated that the land in the aforesaid matter is similarly situated with the subject land.

13. Considering the aforesaid submission, the claimants/applicants are permitted to withdraw 50% amount on furnishing usual undertaking and remaining amount with interest accrued thereon on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court.

14. Present applicants being legal heirs of original claimant are entitled to receive the aforesaid amount in equal proportion.

15. The application stands disposed of.

JUDGE

Wagh