



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

CIVIL APPLICATION (CAF) NO.1687/2021 IN
FIRST APPEAL ST. NO.803/2021

Executive Engineer, Bembala Project Division, Yavatmal

Vs.

Shri Ashok Madhaorao Wankhede 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. Khisti, Advocate h/f Shri T.M. Zaheer, Advocate for appellant
Shri S.V. Ingole, Advocate for respondent Nos.1 and 2
Shri M.A. Kadu, AGP for respondent Nos.3 and 4

CORAM : SMT. M.S. JAWALKAR, J.
DATED : 19/08/2023

The present application is filed for condonation of delay in filing First Appeal. There is delay of 218 days in filing First Appeal.

2. For the reasons stated in paragraph Nos.4 and 5, I am satisfied that there is no intentional or deliberate delay, as delay has been caused due to some administrative procedure to be complied with. Hence application is allowed. As such, delay in filing First Appeal is hereby condoned.

3. The Registry is directed to register the First Appeal.

4. The application stands disposed of.

CIVIL APPLICATION (CAF) NO.2361/2023

The present application is filed for grant of permission to withdraw the entire amount of compensation deposited by the appellant. It appears that the amount of Rs.6,22,526/- came to be

deposited by the appellant with this Court on 26/04/2022.

2. The application is opposed by the appellant on the ground that total amount is of Rs.6,22,526/- and if 50% of amount is allowed to withdraw, it will suffice the purpose.

3. I have perused the application. For the reason stated in the application, at this juncture, it will be appropriate to allow respondent Nos.1 and 2, to withdraw 75% of total amount so deposited alongwith accrued interest to serve the purpose. As such, the application is partly allowed.

4. The Nazir is directed to disburse the amount of 75% along with accrued interest in favour of respondent No.1 who is holding power of attorney of respondent No.2, on furnishing usual undertaking to the effect that if appellant would succeed in the matter, he will redeposit the amount as per final order which would be passed in the present appeal.

5. The Nazir to verify the power of attorney and another documents.

6. The respondent No.1 shall submit report of compliance that he has paid the amount of compensation in the share of respondent No.2 is duly paid.

7. The application stands disposed of.

JUDGE

R.S. Sahare