

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

FIRST APPEAL (ST) NO.31591 OF 2024

Central Railway

... Appellant

V/s.

Budhaji Ganpat Patil (Since deceased)

Thr. LRs. Baliram Budhaji Patil & Anr.

... Respondents

**WITH
INTERIM APPLICATION NO.15550 OF 2024
WITH
INTERIM APPLICATION NO.15551 OF 2024**

Mr. Jenish Jain i/by Dr. Uday Warunjikar for the Appellant/Applicant.
Mr. Sachin Punde for Respondent No.1A.

**CORAM : ARIF S. DOCTOR, J.
DATE : 17TH DECEMBER 2024**

P.C. :

Interim Application No.15550 of 2024

1. The captioned Interim Application No.15550 of 2024 is filed for condonation of delay of 238 days in filing the present Appeal.
2. Learned Counsel for the Applicant submits that the Applicant is a Government body and required various sanctions and approval before the

Appeal could be filed. He submits that the delay has been caused while obtaining the sanctions and approvals.

3. Learned Counsel for Respondent No.1A does not seek to file an Affidavit in Reply to oppose the Application.

4. Having considered the averments made in the Application, I am satisfied that the same warrants to condone the delay. In any view, I find that this delay ought to be condoned and disposed of on merits. Thus, the Interim Application is allowed and the delay of 238 day is condoned.

Interim Application No.15551 of 2024

5. The present Interim Application has been filed seeking stay of execution of judgement and award dated 24th November 2023 passed by the Ld. Second Joint Civil Judge, Senior Division and Additional Chief Magistrate, Alibaug, District Raigad in Land Acquisition Reference No.369 of 2019.

6. Learned Counsel for the Applicant submits that the entire decretal amount along with accrued interest will be deposited in the Reference Court within a period of six weeks from today.

7. All the decretal amount along with accrued interest is being deposited, there shall be stay to the execution of the said judgement and award dated 24th November 2023.

8. Upon the amount deposited by the Applicant, the original claimant will be entitled to withdraw the amount of compensation subject to furnishing of Solvent Surety/Bank Guarantee to the satisfaction of the Reference Court. The Reference Court shall grant opportunity of hearing to all the parties before accepting the Solvent Surety/Bank Guarantee. It is however made clear that in the event there is failure to deposit within stipulated time, the stay granted shall stand vacated automatically without further reference to the Court.

9. The Interim Application is disposed of accordingly.

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10. **Admit.**

11. Call for record and proceedings. Printing is dispensed with. Hamdast is permitted.

12. Appellant to file private paper-book within a period of three months from today.

13. Bhatta charges, if any, to be paid within a period of two weeks from today.

(ARIF S. DOCTOR, J.)