



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

CIVIL APPLICATION [CAF] NO.492 OF 2021 IN
FIRST APPEAL ST. NO.6896 OF 2020

[Deputy Chief Engineer (Construction), Central Railway, Ajni, Nagpur .vs. Dyaneshwar
Narayanrao Dahake and others]

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

Court's or Judge's orders

Mr. V.M. Gadkari, Advocate for Applicant-Appellant.
Mr. D.R. Bhoyar, Advocate for Respondent No.1.
Ms. M.R. Kavimandan, AGP for Respondent Nos.2 and 3.

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CORAM : SANJAY A. DESHMUKH, J.
DATE : 21st OCTOBER, 2024.

1. This is an application under Section 5 of the Limitation Act, 1963 for condonation of delay of 389 days in filing the first appeal. Perused the application.

2. Heard the learned advocates for both the sides.

3. Considering the reasons stated in the application that it appears that the delay is not deliberately caused, the application deserves to be allowed in the interest of justice. Hence, the application is allowed. The delay of 389 days caused in filing the appeal is hereby condoned. The application is allowed and disposed.

First Appeal St. No.6896/2020

1. Heard.

2. Issue notice to the respondents.

3. Mr. Bhoyar, learned Advocate waives notice for respondent no.1 and Ms. Kavimandan, learned AGP waives notice for respondent nos.2 and 3.

4. Call for record and proceedings.

Civil Application (CAF) No.493/2021

1. This is an application under Order 41, Rule 5 of the Code of Civil Procedure, 1908 for grant of stay. Perused the application.
2. Heard the learned Advocates for both sides.
3. Learned Advocate for the applicant submitted that the applicant has deposited entire amount of compensation as per the award. The application therefore become infructuous. It is disposed.

Civil Application No.3078/2024

1. This is an application filed by the respondent no.1 for permission to withdraw the amount of Rs.5,53,681/- deposited by the appellant in this court as per the award. Perused the application.
2. Considering the peculiar set of the facts, it would be proper to allow this application, as prayed.
3. Registry is directed to pay Rs.5,53,681/- to the applicant-respondent no.1 along with accrued interest thereon on usual undertaking.
4. The application is allowed and disposed.

(SANJAY A. DESHMUKH, J.)