



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

CIVIL APPLICATION (CAO) NO. 619 OF 2024
IN
CIVIL APPLICATION (CAF) NO. 3464 OF 2019
IN
FIRST APPEAL (ST.) NO. 10864 OF 2019

THE EXECUTIVE ENGINEER, PURNA MEDIUM PROJECT, ACHALPUR DIV. @ EXE. ENGINEER, MEDIUM AND MINOR
IRRIGATION DIV. ACHALPUR, DIST. AMRAVATI

—Vs.—

SARDAR BEGUM W/O. ABDUL RAFIQUE AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Vinay Rathi, Advocate h/f. Shri P. B. Patil, Advocate for
applicant/appellant.

Shri R.J.Shinde, Advocate for respondent nos. 1(a) to 1(e).

Shri P.P.Pendke, AGP for respondent/State.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 13/08/2024

1. This is an application for condonation of delay of 481 days caused for filing the application for bringing the legal heirs of respondent no. 1 on record and for setting aside abatement.

2. Perused the application.

3. Heard learned Advocate for both sides.

4. For the reasons stated in the application, the application deserves to be allowed in the interest of justice. As such, the application is allowed.

5. Delay for bringing the legal heirs of respondent no. 1 on record is condoned and abatement is set aside.

6. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAO) NO. 620 OF 2024

1. This is an application for bringing the legal heirs of respondent no. 1 on record.

2. Perused the application.

3. Heard learned Advocate for both sides.

4. For the reasons stated in the application, the application deserves to be allowed in the interest of justice. As such, the application is allowed. The appellant is permitted to bring the legal heirs of respondent no. 1 on record.

5. The amendment to be carried out within eight days.

6. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAF) NO. 3464 OF 2019

1. This is an application for condonation of delay of 1194 days caused in filing the First Appeal.

2. Perused the application.

3. Heard learned Advocate for both sides.

4. The reasons stated in the application is that there were administrative exigencies and therefore, delay is caused. It is submitted that delay is not deliberately caused. Considering the reasons stated in the application, the

application deserves to be allowed in the interest of justice. As such, the application is allowed.

5. Delay of 1194 days caused in preferring the appeal is condoned.

6. Accordingly, the application stands disposed of.

CIVIL APPLICATION (CAF) NO. 1424 OF 2024

1. This is an application filed under Order 1, Rule 10 of the Code of Civil Procedure filed by applicants.

2. The application needs not be considered because the today, this Court has allowed the Civil Application (CAF) bearing No. 620 of 2024, in which, the legal heirs of respondent no. 1 at Sr. No. 1(a) to 1(e) at para 3 are mentioned. Therefore, the present application becomes infructuous and it is disposed of as infructuous.

FIRST APPEAL (ST.) NO. 10864 OF 2019

1. Issue notice to the respondents.

2. Shri R.J.Shinde, learned Advocate waives notice for proposed legal heirs of respondent no. 1 and he submits that he will file Vakalatnama on behalf of them.

3. Shri P. P. Pendke, learned AGP waives notice for respondent nos. 2 and 3/State.

4. **Admit.**

5. Call R & P.

6. The appellant is permitted to file private paper book within six weeks after receipt of R & P.

CIVIL APPLICATION (CAO) NO. 2359 OF 2019

1. This application for withdrawal of amount deposited as per the award of learned Reference Court.

2. Perused the application.

3. Heard learned Advocate for both sides.

4. For the reasons stated in the application, the application deserves to be allowed in the interest of justice. As such, the application is allowed.

5. The respondent nos. 1(a) to 1(e) are permitted to withdraw 50% amount on furnishing usual undertaking and 50% amount on furnishing solvent surety to the satisfaction of the learned Reference Court as well as Registrar (J) of this Court, along with interest accrued thereon, which is deposited with the learned Reference Court as well as this Court, as per para nos. 2 and 3 of the present application.

6. Registrar (J) as well as the learned Reference Court shall take note that, in case, the matter is decided against the respondent nos. 1(a) to 1(e)/claimants, they will refund the amount with interest thereupon @ 9% per annum.

7. Accordingly, the application stands disposed of.

(SANJAY A. DESHMUKH, J.)