



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

CIVIL APPLICATION (O) NO. 235/2024
IN
MISC. CIVIL APPLICATION (ST) NO. 1329/2024
IN
FIRST APPEAL NO. 316/2013

Executive Engineer, Wardha
...VERSUS...
Mangalabai Deshmukh & ors.

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

Ms. A.S. Athalye, Advocate for the Appellant(s)
Mr. U.J. Deshpande, Advocate for the Respondent No. 1
Ms. D.I. Charlewar, AGP for the Respondent Nos. 4 & 5

CORAM :- SMT. M.S. JAWALKAR, J.
FEBRUARY 23, 2024

. For the reasons stated in the Application, the Application
is **allowed**.

(2) The delay of 85 days in preferring the MCA is hereby
condoned. Registry is directed to register the MCA.

(3) The Application stands **disposed of**.

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(4) Heard learned Counsel for the respective parties.

Corrected as per
Court's order
dated 18/12/2025

(5) Learned Counsel for the Appellant submits that the wordings in Operative Clause (ii)(a) of the judgment passed in First Appeal No. 316/2013 may create confusion and hence prays for correction in the said Clause.

(6) Learned Counsel for the Respondents have no objection to correct the said Clause.

(7) Accordingly, the MCA is **allowed**. The Operative Clause (ii)(a) of the judgment passed in First Appeal No. 316/2013 is hereby substituted as follows:-

“a) The claim to the extent of valuation of the fruit bearing trees i.e. 296 Mosambi Trees and 101 Teakwood Trees is set aside.”

(8) Corrected copy of the judgment be uploaded. The Appellant will be entitled for refund of the Court Fees as per the provisions of law.

(9) The MCA stands **disposed of** accordingly.

(SMT. M.S. JAWALKAR, J.)