



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

CIVIL APPLICATION NO. 901 OF 2024

IN

FIRST APPEAL NO.542 OF 2021

The Executive Engineer, Amravati

.VS.

Shri Diwakar Kisanrao Takarkhede and others

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

Mr U. A. Gosavi, Advocate for the appellant
Mr R. J. Shinde Advocate for respondent No.1
Ms Kavita Bhondge, AGP for State/respondent Nos. 2 and 3

CORAM : G.A. SANAP, J.

DATE : APRIL 24, 2024.

Heard.

2. It is stated in the application that vide order dated 18.02.2021, Civil Application No. 366 of 2021 was allowed and the appellant was directed to deposit the decretal amount. It is stated that at that time, the appeal was not registered. Later on, the appeal was registered as First Appeal No.542 of 2021. It is submitted that two appeals were filed by the VIDC against the same person in respect of two different awards. Another appeal was registered as First Appeal No. 258 of 2022. It is submitted that, due to the mistake of the Advocate, the decretal amount, which is required to be deposited in

First Appeal No. 258 of 2022, was wrongly deposited in First Appeal No. 542 of 2021. It is submitted that instead of allowing the appellant to withdraw the amount and deposit the same in First Appeal No. 258 of 2022, which has been disposed of vide order dated 20.03.2024, the amount be directed to be adjusted towards the payment to be deposited by the appellant in First Appeal No. 258 of 2022 *inasmuch* as the claimant is one and the same person.

3. In my view, therefore, the submission made is just and proper. There was a mistake on the part of the Advocate. The procedure to withdraw the said amount and again re-deposit in a disposed of appeal, would be time consuming and against the interest of the claimant. Therefore, the application is allowed. In terms of prayer clause (i).

4. The civil application stands **disposed of**, accordingly.

(G. A. SANAP, J.)

Namrata