



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

CIVIL APPLICATION (CAF) NO. 3034 OF 2024

IN

FIRST APPEAL ST. NO. 1766 OF 2024

DEPUTY CHIEF ENGINEER (CONSTRUCTION), CENTRAL RAILWAYS, NAGPUR AND
ANOTHER

Vrs.

SHRI. VINOD S/O ANANDRAO WANDILE 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 V. M. Gadkari, Advocate for applicants/appellants.
Ms. S. S. Wandile, Advocate for respondent No.1.
Ms. Ritu Sharma, AGP for respondent Nos.2 and 3.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 12/12/2024.

1. Issue notice to the respondents.
2. Ms. S. S. Wandile, learned advocate waives service of notice for respondent No.1.
3. Ms. Ritu Sharma, learned AGP waives service of notice for respondent Nos.2 and 3.
4. This is an application for condonation of delay of 752 days caused for filing appeal.
5. Perused the application.
6. Heard learned Advocates for both sides.
7. Learned Advocate for the applicants submitted that due to Corona and other reasons, applicants could not prefer the appeal within 90 days. He therefore, submits to condone the delay, in the interest justice.

8. Learned advocate for the respondent No.1 strongly opposed the application and submitted that there are no sufficient reasons to condone the delay.

9. Learned AGP also strongly objected the application and submitted to reject the application as there are no sufficient grounds to allow the application.

10. On perusal of the application, it appears that there are some grounds to condone the delay. However, considering the peculiar set of facts, it would be proper to condone the delay subject to deposit of costs of Rs.2,000/- in the Vidarbha Lady Lawyers' Association, Nagpur.

11. Application is allowed in above terms.

12. Application is disposed of.

FIRST APPEAL ST. NO. 1766 OF 2024

13. Issue notice to the respondents.

14. Ms. S. S. Wandile, learned advocate waives service of notice for respondent No.1.

15. Ms. Ritu Sharma, learned AGP waives service of notice for respondent Nos.2 and 3.

16. Stand over to 08/01/2025.

CIVIL APPLICATION (CAF) NO. 3035 OF 2024

17. This is an application for granting stay to the execution of Judgment and award of the Reference Court.

18. Perused the application.

19. Heard learned Advocates for both sides.

20. Issue notice to the respondents.

21. Ms. S. S. Wandile, learned advocate waives service of notice for respondent No.1.

22. Ms. Ritu Sharma, learned AGP waives service of notice for respondent Nos.2 and 3.

23. Considering the grounds stated in the application, the application is allowed in terms of prayer clause (i) subject to depositing the entire amount under award on or before **08/01/2025**.

24. Application is allowed and disposed of.

[SANJAY A. DESHMUKH, J.]

Choulwar