



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

970 CIVIL APPLICATION NO. 14646 OF 2019
IN FIRST APPEAL (ST) NO. 38728 OF 2019
WITH
CIVIL APPLICATION NO. 527 OF 2025 IN FAST/38728/2019
WITH
CIVIL APPLICATION NO. 14647 OF 2019 IN FAST/38728/2019

KAZI MOHAMMAD ARIFODDIN S/O MUNIRODDIN
VERSUS
BABAN NARAYAN UPHADE AND OTHERS

...
Mr. B.R. Waramaa – Advocate for Applicant
Mr. P.C. Mayure – Advocate for Respondent No.1 and 2
....

CORAM : SANJAY A. DESHMUKH, J.
DATE : 16th JANUARY, 2025

PER COURT :

CIVIL APPLICATION NO. 14646 OF 2019

1. Heard learned advocate for applicant and learned advocate for respondent No.1.
2. Learned advocate for applicant pointed out that, respondent No.3 – Mr. Prakash S. Paranjape is the practicing advocate in this Court has been made a party. However, respondent No.3 is not necessary party, therefore he seeks leave to delete the name of respondent No.3 in this application.

3. Leave granted. The name of respondent No.3 – Mr. Prakash S. Paranjape be deleted at the risk of applicant.

4. Perused the application. Heard learned advocates for both the parties.

5. Learned advocate for applicant pointed out that, the learned advocate – Mr. Prakash S. Paranjape has sent the notice to the learned advocate – Mr. R.B. Wangikar, Parbhani who appeared in trial and informed about status of appeal alongwith copies of memo of appeal and memo of Civil Application. Learned advocate for applicant further submits that, when the execution proceeding was started the applicant tried to search official website. Thereafter it was revealed that the appeal was not filed. Thereafter it is realized that, the appeal needs to be filed. Therefore, there is delay of 1890 days caused in preferring the First Appeal. Learned advocate for applicants further submits that, there is no deliberate delay caused therefore the delay of 1890 days needs to be condoned in the interest of justice.

6. Considering the reasons stated in the application and the letters sent by learned advocate – Mr. Prakash S. Paranjape to the learned advocate – Mr. R.B. Wangikar, it would be proper to condone

the delay in the interest of justice. The delay of 1890 days is condoned.

7. Application is allowed and disposed of. Appeal be registered.

CIVIL APPLICATION NO. 527 OF 2025

8. This is an application filed for withdrawal of amount deposited by respondent No.1 in the office of Ex-Officio Commissioner for Employees Compensation and C.J.S.D., Parbhani, Dist. Parbhani as per award.

9. Perused the application. Heard learned advocates for both the parties.

10. Considering the grounds stated in the application, the application deserves to be partly allowed. Hence, the following order :

ORDER

- (a) The applicant is permitted to withdraw 75% of the amount alongwith accrued interest deposited in the office of Ex-Officio Commissioner for Employees Compensation and C.J.S.D. at Parbhani on furnishing usual undertaking.
- (b) The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

- (c) With this, the civil application for withdrawal of amount stands disposed of.

FIRST APPEAL (ST) NO. 38728 OF 2019

11. Issue notice to the respondents, returnable on 27th February, 2025.
12. Learned advocate – Mr. P.C. Mayure waives service of notice for respondent Nos.1 and 2.
13. Call for record and proceeding.
14. List the appeal alongwith Civil Application No.14647 of 2019 on 27th February, 2025.

**[SANJAY A. DESHMUKH]
JUDGE**