



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

4 CIVIL APPLICATION NO. 1453 OF 2020

IN FAST/41201/2019

THE EX. ENGINEER, M.I.D.C., JALGAON

VERSUS

LOTU BHIVSAN CHAUDHARY AND ORS

WITH CIVIL APPLICATION NO. 1454 OF 2020

**IN FAST/41201/2019 WITH CIVIL APPLICATION NO. 2554 OF
2022 IN FAST/41201/2019**

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Advocate for Applicant : Mr. Ashish Gabhale i/b Jay And Co.

AGP for Respondent/s-State : Mr. N. D. Raje.

Advocate for respective Respondents : Ms. Ashvini Mehetre h/f
Mr. A. B. Kale.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 07.10.2025

PER COURT :-

1. Civil Application No.1453 of 2020 is for condonation of delay of 264 days in preferring first appeal. The averments of the application have not been controverted by the respondents. The reasons stated in the application are sufficient to condone the delay. There are no malafides on the part of the appellant.
2. Civil application is allowed in terms of prayer clause "B".

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3. Applicants are praying for the direction to issue cheque in favour of attorney or to transmit the amount to the executing Court.

4. A copy of General Power of Attorney has not been filed and Office has raised objection to that effect. The applicants were permitted to receive 50% of the amount on furnishing undertaking. But due to practical difficulty, they are unable to receive the amount. For the reasons stated in the application, I find no difficulty in transmitting the amount to the executing Court i.e. Civil Judge Senior Division, Jalgaon.

5. Civil application is partly allowed directing the Office to transmit 50% of the amount with accrued interest to the executing Court for the disbursement to the applicants in pursuance of the order passed by this Court. Civil application is disposed of accordingly.

6. The claimants shall furnish the undertaking to the satisfaction of the Presiding Officer of the executing court.

First Appeal

7. **Admit.**

8. Learned AGP waives service of notice for the respondents-State. Learned counsel Ms. Ashvini Mehetre holding for Mr. Kale waives service of notice for respondent Nos.1, 2A to 2C and 4.

9. Call for Record and Proceedings from the concerned Court.

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10. As the entire amount has been deposited, ad-interim relief granted earlier shall stand confirmed.

11. Civil application is disposed of.

(SHAILESH P. BRAHME, J.)

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vmk/-