



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

118 CIVIL APPLICATION NO. 2466 OF 2025

IN FAST/1979/2025

WITH CIVIL APPLICATION NO. 2468 OF 2025

IN FAST/1979/2025

**THE EX ENGINEER MID LATUR NOW LMID UNDER GMIDC
AURANGABAD AND OTHERS**

VERSUS

BALASAHEB RAM GANJEWAR

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Advocate for Applicants : Mr. Baburao Raosaheb Survase.

Advocate for Respondent : Mr. N. D. Kendre.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 09.06.2025

PER COURT :-

1. Heard both the sides.
2. Applicants are praying for condonation of delay of 270 days in preferring first appeal challenging judgment and award dated 02.12.2023.
3. Mr. Survase, learned counsel for the applicants submits that for the reasons stated in paragraph Nos.4 to 6, delay needs to be condoned. He submits that there are no malafides in preferring the appeal belatedly.
4. Learned counsel Mr. Kendre appearing for respondent vehemently opposes the submissions and the prayer of the

applicants. It is urged that by earlier order, ad-interim relief was granted by directing the applicants to deposit 60% only. Thereafter, entire amount under award was directed to be deposited. The respondent is entitled to receive the amount to be deposited in this Court.

5. I find substance in the submissions of learned counsel for the applicants. It is desirable to condone the delay for the reasons stated in paragraph Nos.4 to 6. Equities can be balanced by extending the time to deposit the amount and directing the Office to disburse part of the amount to the respondent.

6. For the reasons stated above, civil application for delay is allowed in terms of prayer clause "B".

7. Office shall register first appeal.

In First Appeal

8. **Admit.**

9. Learned counsel Mr. Kendre waives service of notice for respondent.

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

11. On depositing 60% amount as directed earlier within six (6) weeks from today, respondent/claimant shall be disbursed 50% thereof on furnishing usual undertaking to the satisfaction of the Registrar (Judicial), for the present. The respondent shall be at liberty to apply for either withdrawal of the balance amount or depositing further amount.

In Civil Applications for Stay.

12. Learned counsel for the applicants prays for extension of time for six (6) weeks for depositing the amount. Time is extended by six (6) weeks and in case, amount is not deposited, ad-interim relief granted earlier shall stand vacated automatically without reference to the Court.

13. On depositing 60% of the amount within a period of six (6) weeks, respondent/claimant shall be at liberty to withdraw 50% of the amount deposited on furnishing undertaking to the satisfaction of the Registrar (Judicial).

(SHAILESH P. BRAHME, J.)

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vmk/-