

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL (ST) NO. 27057 OF 2025

WITH

INTERIM APPLICATION NO. 11707 OF 2025

WITH

INTERIM APPLICATION NO. 11708 OF 2025

IN

FIRST APPEAL (ST) NO. 27057 OF 2025

Central Railway

... Applicant

Vs.

Pandurang Tukaram Patil (Since Deceased
through Legal Heirs)

... Respondents

Ms. Leena Patil for the Applicant.

Ms. Manvi Sharma i/b Saurabh Butala for the Respondents.

Mr. D. J. Haldankar, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 18th SEPTEMBER 2025

ORDER:

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1. This application is filed by the acquiring body for seeking condonation of delay in filing the first appeal.

2. Learned counsel for the applicant submits that the reasons for delay are explained in paragraphs 7, 8 and 9 of the application. She,

on instructions, submits that the entire award amount as per the impugned order shall be deposited in the executing Court within 10 weeks from today. Statement is accepted. She, therefore, submits that the delay in filing the first appeal be condoned.

3. I have perused the application. I see no reason to disbelieve the grounds raised in the application. In the facts and circumstances of the case, delay is condoned and the application is allowed in terms of prayer clause (b).

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4. Admit.

5. Learned AGP waives notice for the respondent-State.

6. Learned advocate for the remaining respondents waives notice.

7. Call for records and proceedings.

8. Printing is dispensed with.

9. Learned advocate for the appellant shall file private paper-book within a period of one year from today.

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10. Not on board. Taken on board.

11. This application is for seeking stay to the impugned order.
12. Learned counsel for the applicant, on instructions, makes a statement that the entire amount shall be deposited in the executing Court within 10 weeks from today.
13. Subject to the applicant depositing the entire award amount with interest as per the impugned order, there will be interim stay in terms of prayer clause (b).
14. It is clarified that if the amount is not deposited within the time granted by this order, the interim-stay granted by this order shall stand vacated without any reference to the Court.
15. In the facts and circumstances of the case, the respondents (claimants) shall be permitted to withdraw 50% of the entire amount deposited by the applicant, on production of the authenticated copy of this order. The balance 50% amount shall be permitted to be withdrawn on furnishing Bank guarantee to the satisfaction of the executing Court.
16. Interim Application is disposed of in the aforesaid terms.

(GAURI GODSE, J.)