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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 19038 OF 2025
WITH
INTERIM APPLICATION NO. 12046 OF 2025
WITH
INTERIM APPLICATION NO. 12045 OF 2025**

Central Railway ... Appellant/Applicant

vs.

Nirmala Baban Mhatre and Anr ... Respondents

Ms. Leena Patil, for Appellant/Applicant.

Mr. D.J. Haldankar, APP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 3rd OCTOBER 2025

ORDER:

INTERIM APPLICATION NO. 12045 OF 2025

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 paragraph 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 Advocates appearing for the respective respondents waive notice.

6. Call for records and proceedings.

7. Printing is dispensed with.

8. Learned Advocate for the appellant shall file private paper book within a period of one year from today.

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9. This application is for seeking stay to the impugned order.

10. 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.

11. 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).

12. 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.

13. 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 The balance 50% amount shall be permitted to be withdrawn on furnishing Bank guarantee to the satisfaction of the executing court.

14. Interim Application is disposed of in the aforesaid terms.

(GAURI GODSE, J.)