



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 2563 OF 2023 IN
FIRST APPEAL STAMP NO. 2230 OF 2016

Executive Engineer, Medium Project, Nagpur

Vs

Ramkisan s/o Rajeram Deshmukh (Dead) thr.
Lrs Madhukar s/o Ramkisan Deshmukh and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Anoop Singh Parihar, counsel for applicant/appellant.

Mr. C.R. Najbale, counsel for respondent Nos. 1, 2, 4 and 5.

Mr. M.A. Kadu, AGP for respondent Nos. 6 and 7.

CORAM : PRAVIN S. PATIL, J.

DATED : 15/10/2025.

1. At the outset, it is pointed out that during the pendency of the present proceeding, Respondent No.3 has expired. However, her legal heirs are already on record. Therefore, there is no need to bring her legal heirs on record once again.

2. By this application, a delay of 389 days is sought to be condoned on the ground that there was administrative difficulty on the part of appellant in making arrangement to file the appeal immediately before this Court. The administrative difficulty is mentioned in para Nos. 3 and 4 of the application.

3. The reasons stated in the application are not controverted by the respondents. Hence, for the reasons

stated in the application, the delay of 389 days in filing first appeal is hereby condoned.

4. The civil application is **disposed of**.

CIVIL APPLICATION (CAF) NO. 2564 OF 2023

1. It is stated that the entire decretal amount, along with accrued interest, has been deposited before the Reference Court. This fact is not disputed by the claimants.

2. Hence, considering the fact that the entire decretal amount has been deposited by the appellant, there shall be stay to the execution of the judgment and decree dated 04/02/2014, during the pendency of the present appeal.

3. The civil application stands **disposed of**.

CIVIL APPLICATION (CAF) NO. 3770 OF 2025

1. By this application, the applicants seeks permission to withdraw the entire compensation amount deposited by the appellant before the Reference Court. The claimant has relied upon the order of this Court in an identical matter i.e. First Appeal Stamp No. 24970 of 2015, wherein this Court permitted to withdraw 80% of the amount of compensation amount, subject to filing an undertaking before this Court. A similar request is made in the present application.

2 In view of this, the learned counsel for the appellant did not dispute this fact. Considering that the present

claimants are poor agriculturists, the applicants/claimants are permitted to withdraw 80% of the amount deposited by the appellant before the Reference Court, subject to furnishing an undertaking that, in case the appeal is allowed, the withdrawn amount shall be redeposited with interest at such rate as may be directed by the Court. The remaining amount shall be invested in a Fixed Deposit.

3. It is further made in view of Power of Attorney in the name of respondent – *Madhukar Ramkisan Deshmukh* is filed on record, the claimants are permitted to withdraw the amount through Power of Attorney holder.

4. The application stands **disposed of**.

5. The office is directed to register the appeal and list the appeal before the appropriate bench.

(PRAVIN S. PATIL, J.)