



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

FIRST APPEAL NO. 1062 OF 2016

Executive Engineer, Bembla Project Division, Yavatmal ..VS.. Chetan Narayan
Mohakar and others

WITH

FIRST APPEAL NO. 1005 OF 2014

Chetan Narayan Mohakar and others ..VS.. Executive Engineer, Bembla Project
Division, Yavatmal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhijit Parihar, Advocate for Appellant in FA No.1062/2016 and
Respondent No.1 in FA No.1005/2014.

Mr. S. U. Nemade, Advocate for Appellant in FA No.1005/2014 and
for Respondent Nos.1 to 3 in FA No.1062/2016.

Ms. Kavita Bhondge, AGP for Respondent/State.

CORAM : SMT. M.S. JAWALKAR, AND
RAJ D. WAKODE, JJ.

DATED : 03rd OCTOBER, 2025

CIVIL APPLICATION NO. (CAF) NO.1145/2023 IN FIRST APPEAL
NO. 1062 OF 2016

1. As per the order dated 19th September, 2025, the Appellant deposited the amount of Rs.55,09,331/- which is 60% of entire decretal amount. As such, though the Appellant have objected the application, it would be proper in the interest of justice to allow the Respondent Nos.1 to 3 to withdraw the amount however, 50% of amount would be allowed to withdraw on furnishing usual undertaking and 50% of amount would be allowed to withdraw on furnishing solvent surety to the satisfaction of the Registrar.

2. The Registry is directed to release the amount of Rs.55,09,331/- in favour of Respondent Nos.1 to 3, 50% amount on furnishing their usual undertaking and 50% amount on furnishing solvent surety after due verification and bank details. The usual undertaking is required to be furnished within a period of two weeks.

3. The learned Counsel for Respondent Nos.1 to 3 submits that vide order dated 27th January, 2015, the Respondent Nos.1 to 3/Appellants in Appeal No.1005/2014 were temporarily exempted for payment of the deficit court fees till they receive part of compensation from the respondents in Appeal No.1005/2014.

4. The learned Counsel for Respondent Nos.1 to 3/Appellants in Appeal No.1005/2014, undertake to deposit the deficit court fees as soon as part compensation amount would be received, instead of it, it will be proper that the Registrar to deduct the amount of the deficit court fees from the amount to be disbursed in favour of Respondent Nos.1 to 3.

5. As such, the Registrar is directed to deduct the amount of deficit court fees to the amount to be disbursed in favour of the Respondent Nos.1 to 3/Appellants in First Appeal No.1005/2014.

6. The Civil Application stands disposed of.

FIRST APPEAL NO. 1005 OF 2014

7. The learned Counsel Mr. Vinay Rathi appearing on behalf of P. B. Patil, learned Counsel for Respondent No.1 – Executive Engineer, V.I.D.C., submits that as Shri Abhijit Parihar, learned Counsel has filed his Vakalatnama on behalf of Respondent No.1, the power/appearance of Shri P. B. Patil be discharged.

8. In view of aforesaid, the learned Counsel Shri P. B. Patil appearing for Respondent No.1 is discharged in First Appeal No. 1005/2014.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)