



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

CIVIL APPLICATION (CAF) NO.3764/2025 IN
FIRST APPEAL NO.1360/2017(D)

Gandas s/o Hiramal (Caste) Barela and others Vs. Union of India, thr. General
Manager, CST Mumbai

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

Court's or Judge's orders

Ms Shweta V. Salwnkar, Advocate for appellants
Ms N.G. Chaubey, Advocate of respondent

CORAM : PRAVIN S. PATIL, J.
DATE : 25.11.2025

1. By this application, the prayer is made to delete the name of applicant/appellant No.3 from the array of appellants. It is stated in the body of the application that during the pendency of the appeal before this Court, the appellant No.3 i.e. Kala @ Kalabai wd/o Virendra Barela has performed a second marriage with one Shri Naya resident of Dhupa-Bujurg Jhianya, West-Nimar (Madhya Pradesh).

2. It is further stated that she is now residing with said person and not a part of the family of the present applicant. According to the present applicant, considering this fact, the name of the appellant No.3 needs to be deleted from the array of the appellant.

3. In the present case, considering the averments made in the application, the notice was issued to the

appellant No.3 by order dated 07.10.2025. However, by regular mode of service, the notice was not served on the applicant No.3. Therefore, the service by private mode was permitted.

4. Accordingly, the present applicant has placed on record the affidavit dated 24.11.2025 stating that the notice of this application was duly served on appellant No.3 on 12.11.2025 with a copy of application. In support of this, the copy of the postal receipt and track report obtained from website of postal department is filed on record. After being satisfied that there is a proper service on the appellant No.3, I have taken this application for hearing.

5. After going through the averments made in the application, which are not controverted in the matter and stated on affidavit, there is no reason to disbelieve the same. Hence, for the reason stated in the application, the application is allowed.

6. The applicant is permitted to delete the name of applicant No.3 from the memo of appeal.

7. Necessary amendment be carried out forthwith.

CIVIL APPLICATION (CAF) NO.3090/2025

1. By this application, the applicants are seeking to withdraw the amount of Rs.2,95,726/- along with interest accrued thereupon. The applicant has given specific reasons in paragraph Nos.6 and 7 of the application. The said

averments are not controverted in the matter. Hence, application is allowed in terms of prayer made therein.

2. The Railway Tribunal, Nagpur is directed to permit withdrawal of the amount deposited before the Railway Claims Tribunal, Nagpur, along with interest accrued thereupon, subject to the satisfaction of the Railway Claims Tribunal.

3. The application is allowed as per the prayer made therein.

(PRAVIN S. PATIL J.)

R.S. Sahare