



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

CIVIL APPLICATION (CAO) NO. 421 OF 2025
IN
CIVIL APPLICATION (CAO) NO. 207 OF 2025 IN PURSIS ST. NO. 01/2025
IN
CIVIL APPLICATION (CAF) NO. 3535/2024
IN
CIVIL APPLICATION (CAF) NO. 1927/2024
IN
FIRST APPEAL ST. NO. 8383 OF 2024 (D)
DY CHIEF ENGINEER (CONSTN), CENTRAL RLY., NAGPUR
VERSUS
SMT. KALPANA W/o PARASRAM ADE 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. V. M. Gadkari, Advocate for the applicant
Mr. A. B. Patil, Advocate for respondent no.1
Mrs. M. R. Kavimandan, Advocate for non-applicant nos.2 and 3

CORAM : M. W. CHANDWANI and ROHIT W. JOSHI, JJ.
DATE : APRIL 25, 2025.

1. Heard learned counsel for the parties.
2. This is an application for extension of stay granted vide order dated 12.03.2025.
3. By order dated 20.01.2025, this Court dismissed the First Appeal and while dismissing the appeal, respondent no.1 was allowed to withdraw 50% of the total compensation deposited by the appellant in this Court. By filing pursis dated 12.03.2025, the appellant informed that they are intending to challenge the order dated 20.01.2025. On the request of the learned counsel for the appellant, this Court stayed the effect and operation of the order dated 20.01.2025 passed in this appeal for four weeks. Now, by the present application, the appellant is seeking an extension of further four weeks to the

stay order since the appeal could not be filed before the Supreme Court.

4. The application is opposed by respondent no.1 on the ground that sufficient time has been given to the appellant to file an appeal challenging the order dated 20.01.2025. According to him, even an appeal has not been filed till date. The present application is filed after the expiry of four weeks from 12.03.2025. It is also contended that the dispute is in respect of the $\frac{1}{3}^{\text{rd}}$ share of the intervenors, which is pending before the competent civil Court. Therefore, no prejudice will be caused to the appellant. Learned counsel for respondent no.1 submitted that the order dated 20.01.2025 is also challenged by respondent no.1 before the Supreme Court.

5. Considering the fact that this Court has already granted four weeks time to the appellant coupled with the fact that the amount deposited by the appellant is invested in a Fixed Deposit, no prejudice will be caused to respondent no.1 if the stay to the effect and operation of the order dated 20.01.2025 is extended by further period of two weeks.

6. Accordingly, the application (CAO No.421/2025) is partly allowed.

7. Stay to the effect and operation of the order dated 20.01.2025 granted by this Court on 12.03.2025 is extended by further two weeks from today.

8. The application stands disposed of. No costs.

(Rohit W. Joshi J.)

(M.W.Chandwani, J.)