



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

CIVIL APPLICATION (CAF) NO. 3794 OF 2025

IN

FIRST APPEAL NO. 1027 OF 2017

Executive Engineer, VIDC, Washim

Vs.

Rupchand s/o Rajaram Bang and anr.

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

Court's or Judge's Orders.

Mrs. Ujjwala A. Patil, Advocate for applicant.
Mr. Amol Darekar, Advocate for respondent No.1.
Mr. S.C. Joshi, AGP for respondent No.2/State.

CORAM : ROHIT W. JOSHI, J.

DATE : 17.02.2025.

First Appeal No.1027/2017 is came to be dismissed on account of failure to file private paper-book as directed by this Court. The appellant has preferred application for restoration of appeal being MCA (ST) No.3791/2025. However, there is a delay of 1215 days in filing the restoration application. Since the appeal is admitted and the first appeals of the year 2017 are still pending for final hearing, I am inclined to condone the delay caused in filing restoration application.

Mics. Civil Application (ST) No.3791/2025

For the reasons above, First Appeal No.1027/2017 is restored to file, subject to condition that private paper-book will be filed by the appellant within a period of one week from today.

Civil Application (CAF) No.3208/2024

The respondent No.1 is the land owner, has moved the present application seeking permission to withdraw the amount deposited by the appellant with this Court in compliance of condition imposed by this Court while granting stay to the execution of the impugned judgment and award passed by the learned reference Court. Since the enhancement is granted by the learned reference Court on the basis of a sale instance, the respondent No.1 is permitted to withdraw 75% of the amount deposited by the appellant with this Court along with accrued interest, 50% of the amount is permitted to be withdrawn on usual undertaking and balance 25% of the amount is permitted to be withdrawn on furnishing solvent security/surety.

2. The civil application is disposed of accordingly.

(ROHIT W. JOSHI, J.)