



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

CIVIL APPLICATION (CAF) NO. 555 OF 2026

IN

FIRST APPEAL (ST.) NO. 10492 OF 2023

Executive Engineer Upper Wardha Project B.Z. No.1, V.I.D.C., Amravati
..VS..

Bhagwandas Dharamdas Kewalramani (Dead) through legal heirs and othes

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

Court's or Judge's orders

Ms. M. V. Babhulkar, Advocate for the applicant/appellant.
Mr. Shriram Chopde, Advocate h/f. Mr. R. D. Dharmadhikari,
Advocate for the legal heirs of respondent No.1.
Mrs. H. S. Dhande, AGP for the respondent Nos.3 and 4.

CORAM : SMT. M.S. JAWALKAR, AND
NANDESH S. DESHPANDE, JJ.

DATED : 06th FEBRUARY, 2026

1. Present application is filed by the applicant/appellant for condonation of 24 days delay in filing first appeal.
2. It appears that the delay is caused due to some administrative technicality.
3. The learned Counsel for the respondents have no serious objection to condone the delay.
4. As such, the delay of 24 days in filing first appeal is hereby condoned.
5. Registry is directed to register the first appeal.
6. The civil application stands disposed of.

CIVIL APPLICATION (CAF) NO. 559 OF 2026

1. Present application is filed for withdrawal of excess amount deposited by the applicant/appellant.
2. Though, the amount of Rs.94,63,328/- was required to be deposited, the applicant deposited amount of Rs.3,10,02,835/-. There is no dispute on this aspect.
3. As such, the application is allowed.
4. The applicant/appellant is permitted to withdraw the excess amount of Rs.2,15,39,507/- with proportionate accrued interest.
5. The application stands disposed of.

CIVIL APPLICATION (CAF) NO. 3777 OF 2025

1. Present application is filed by respondent No.1 for grant of permission to withdraw the amount deposited by the appellant.
2. In view of the order passed in Civil Application No. 559 of 2026, the appellant is permitted to withdraw the excess amount and therefore, the respondent is entitled to receive the amount out of remaining amount i.e. Rs.94,63,328/-.
3. In connected matter i.e. First Appeal No. 992 of 2023, this Court already permitted the claimant therein to withdraw 50% of amount on furnishing usual undertaking and 25% of amount on execution of solvent surety.

4. As such, the application is allowed, in the same terms.
5. The respondent/claimant is permitted to withdraw 50% of amount on furnishing usual undertaking to be filed within two weeks and 25% of amount on execution of solvent surety to the satisfaction of the Registrar. Respondent/claimant is entitled to receive above referred amount alongwith proportionate accrued interest thereon.
6. The Nazar to release the amount after due verification of Bank details.
7. The application stands disposed of.

(NANDESH S. DESHPANDE, J.)

(M.S. JAWALKAR, J.)