



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAF) NO. 1712 OF 2025

IN

FIRST APPEAL ST. NO. 6774 OF 2025

DEPUTY CHIEF ENGINEER (CONSTRUCTION) CENTRAL RAILWAY, NAGPUR

Vrs.

HABIBKHAN S/O DULHEKHAN PATHAN AND OTHERS

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

Court's or Judge's Order

Shri V. M. Gadkari, Advocate for applicant/appellant.
Shri V. N. Patre, Advocate for non-applicant No.1.
Shri M. A. Kadu, AGP for non-applicant Nos.2 and 3.

CORAM: Y. G. KHOBRAGADE, J.

DATE : 27/04/2026.

1. Heard learned counsel for the applicant.
2. This is an application for condonation of delay of 1190 days in filing the statutory appeal.
3. Learned counsel for the applicant submits that the delay occurred on account of obtaining necessary approvals and permissions. Apart from this, the delay also occurred on account of problems faced during Covid-19 pandemic.
4. Having regard to the contents of the application and submissions advanced, the delay appears to be unintentional and needs to be condoned in the interest of justice. The delay of 1190 days in filing the appeal is condoned subject to cost of Rs.3,000/- (Rupees

Three Thousand Only) to be deposited by the appellant within a period of two weeks' from today in the 'Public Welfare Account', which is directed to be opened by an Order dated 12.01.2026, passed by the Hon'ble Division Bench of this Court in Suo Moto Public Interest Litigation (SMPIL) No.01/2021. The details of which can be obtained from the Registrar (Judicial), Nagpur Bench, Nagpur.

5. In view of above, civil application is allowed and disposed of.

CIVIL APPLICATION (CAF) NO.1322/2026

6. By this application, the respondent No.1/original claimant seeks permission to withdraw the amount of compensation deposited by the appellant. It is pointed out that the land belonging to the respondent No.1 came to be acquired and they are entitled for compensation.

7. For the reasons stated in the application and submissions advanced, the applicant/respondent No.1 is permitted to withdraw 75% of the amount deposited with accrued interest by allowing them to withdraw 50% of the amount subject to furnishing usual undertaking and 25% amount subject to furnishing solvent surety/security to the satisfaction of the Registrar (Judicial).

8. In view of above, civil application is allowed and disposed of.

FIRST APPEAL (ST.) NO.6774 OF 2025

9. Heard.
10. In view of the grounds raised, **Admit.**
11. Call Record and Proceedings.
12. Appellant is directed to file private paper book within a period of eight weeks from today.

[JUDGE]