



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

CIVIL APPLICATION (CAF) NO. 632 OF 2023

IN

FIRST APPEAL (ST) NO. 14788 OF 2022

Vidarbha Irrigation Development Corporation, Yavatmal

Vs.

Shri Pravin Wamanrao Zoting 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 R. S. Bhoyar h/f. Shri Aditya Gohokar, Advocate for applicant.
Ms Neha Kinkekar h/f. Shri Tejas Deshpande, Advocate for non-applicant
no.1.
Shri M. A. Kadu, AGP for non-applicant nos. 2 and 3/State.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 06.05.2026

Heard Shri Bhoyar, learned counsel appearing for the applicant, Ms. Neha Kinkekar, learned counsel appearing for non-applicant no. 1 and Shri Kadu, learned AGP appearing for non-applicant nos. 2 and 3/State.

2. By the present application, the applicant-acquiring body seeking condonation of delay of 139 days caused while lodging the appeal against the judgment and award dated 11.02.2020 passed in LAC No. 39/2017 by the 4th Jt. Civil Judge Senior Division, Yavatmal.

3. Considering the grounds set out in the application as well the strong objection raised on behalf of non-applicant no. 1, the delay of 139 days caused while

lodging the appeal is hereby condoned subject to payment of costs of Rs.2500/- to be deposited in the following account:-

Account Name: Public Welfare Fund,
Account No.: 129712010001014,
IFSC Code: UBIN0812978.
Bank name: Union Bank of India,
High Court Branch, Nagpur

4. The costs amount shall be payable from the pocket of the Executive Engineer, Nimna Painganga Project Division (Bembla Project), Yavatmal.

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5. Heard.

6. **Admit.**

7. Call record and proceedings.

8. Ms Neha Kinkekar, learned counsel waives service for respondent no.1 and Shri M. A. Kadu, learned AGP waives service for respondent nos. 2 and 3/State.

9. The appellant shall file private paper-book within a period of 10 weeks from today.

CIVIL APPLICATION (CAF) NO. 784/2026

10. Heard the learned counsel for the respective parties.

11. By the present application, respondent no. 1 seeks permission to withdraw the entire amount of compensation awarded under the judgment and award

dated 11.02.2020 passed in LAC No. 39/2017 by the 4th Jt. Civil Judge Senior Division, Yavatmal.

12. The learned counsel appearing for the appellant strongly opposed the application on the ground that if respondent no. 1 is permitted to withdraw the entire amount of compensation then in the event it would be difficult to recover the same if the impugned award is reversed or set aside.

13. However, considering the fact that the present appellant/acquiring body has acquired the land of respondent no. 1 and after conducting the trial, the impugned award has been passed. Therefore, considering the nature of claim as well to meet financial crises, respondent no. 1 is permitted to withdraw 75% of the compensation amount along with accrued interest on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

14. Accordingly, the application is disposed of.

(Y. G. KHOBRAGADE, J.)