



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

CIVIL APPLICATION (CAF) NO.1137 OF 2026
WITH CIVIL APPLICATION (CAF) NO.1138 OF 2026
WITH CIVIL APPLICATION (CAF) NO.1540 OF 2026
IN FIRST APPEAL (STAMP) NO.3100 OF 2026

EXECUTIVE ENGINEER JIGAON PROJECT, SHEGAON (JIGAON
PROJECT, DAM/REHABILITATION, DIV.)

VERSUS

DAMODAR S/O RAMBHAU SABE AND OTHERS

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. PB. Patil, Advocate for Applicant/Appellant.
Mr. S.S. Dalvi, Advocate for Applicant/Respondent No.1.
Mr. A.S. Fulzele, AGP for Respondent Nos.2 & 3-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 06th APRIL 2026

1. Heard learned Advocate for the applicant.
2. This is an application for condonation of delay of 119 days in filing the statutory appeal.
3. In response to the notice on this application, Advocate Mr. S.S. Dalvi, appears for respondent No.1. Learned AGP appears for respondent Nos.2 and 3-State.
4. Learned Advocate for the applicant submits that the delay of 119 days occurred in the process of obtaining necessary approvals and permissions for filing statutory appeal on behalf of the applicant.
5. Having regard to the contents of the application and submissions advanced, the delay of 119 days does not appear to be intentional and needs to be condoned in the interest of justice. Hence, the application is allowed and the delay of 119 days in filing statutory appeal is condoned.

6. The civil application is accordingly disposed of.

CIVIL APPLICATION (CAF) NO.1138 OF 2026

7. This is an application filed by the appellant under Order 41, Rule 5 of C.P.C., for grant of stay to the impugned Judgment and Award dated 05.08.2025, passed by the Reference Court at Nagpur.

8. Learned Advocate for the appellant submits that the entire decretal amount along with interest is deposited in this Court, in accordance with the order dated 05.03.2026, passed by this Court, and prays for grant of stay to the impugned Judgment and Award.

9. In view of this, interim relief granted *vide* order dated 05.03.2026, stands confirmed.

10. The civil application is, accordingly, disposed of.

CIVIL APPLICATION (CAF) NO.1540 OF 2026

11. This is an application filed by the applicant/respondent No.1, for withdrawal of the amount of compensation deposited by the appellant in accordance with the impugned Judgment and Award dated 05.08.2025, passed by the Reference Court at Nagpur, in L.A.C. No.3033/AMT/BLD/2020.

12. The applicant is the original claimant whose land is acquired and is seeking withdrawal of amount of compensation. Learned Advocate for the applicant submits that in identical matters, the Reference Court has allowed the claimants to withdraw 75% of amount of compensation. He submits that since the land belonging to

the applicant is also acquired, he be permitted to withdraw the amount of compensation.

13. Although the application is opposed, considering the fact that the land belonging to the applicant was acquired and the amount of compensation is not yet received by him, at this stage the applicant needs to be permitted to withdraw 75% of amount of compensation. Hence, the application is allowed and the applicant is permitted to withdraw 50% of amount of compensation along with accrued interest, subject to the applicant furnishing usual undertaking and 25% of amount after furnishing solvent surety to the satisfaction of the Registrar (Judicial).

14. In view of the above, the civil application is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

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