



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

CIVIL APPLICATION (CAF) NO. 3446 OF 2025

IN

FIRST APPEAL (ST) NO. 19620 OF 2025

Executive Engineer, Irrigation Division, ZP, Yavatmal

Vs.

Kisan Piraji Rathod (deceased) through LRs.

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

Court's or Judge's Order

Shri V. B. Bhise a/w. Shri V. M. Kulsange, Advocate for applicant.
Shri Samir S. Das, Advocate for respondent no. 1A to 1E.
Shri M. A. Kadu, AGP for non-applicant nos. 2 and 3/State.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 06.05.2026

Heard Shri Bhise, learned counsel appearing for the applicant, Shri Das, learned counsel appearing for non-applicant nos. 1A to 1E 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 497 days caused while lodging the appeal against the judgment and award dated 17.01.2024 passed in LAC No. 17/2015 by the Civil Judge Senior Division, Darwaha.

3. Considering the grounds set out in the application as well the strong objection raised on behalf of non-applicant nos. 1A to 1E, the application is allowed and the delay of 497 days caused while lodging the appeal is

hereby condoned subject to payment of costs of Rs.10,000/-
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

FIRST APPEAL (ST) NO. 19620 OF 2025

4. Heard.
5. **Admit.**
6. Call record and proceedings.
7. Shri Samir S. Das, learned counsel waives service for respondent nos. 1A to 1E and Shri M. A. Kadu, learned AGP waives service for respondent nos. 2 and 3/State.
8. The appellant shall file private paper-book within a period of 10 weeks from today.

CIVIL APPLICATION (CAF) NO. 1696/2026

9. Heard the learned counsel for the respective parties.
10. By the present application, respondent nos. 1 to 5/claimants are seeking permission to withdraw the entire amount of compensation awarded under the judgment and award dated 17.01.2024 passed in LAC No. 17/2015 by the Civil Judge Senior Division, Darwaha.

11. The learned counsel appearing for the appellant strongly opposed the application on the grounds that exorbitant compensation has been determined and there is very possibility of modification/reversal of the impugned award. Hence, prayed for rejection of the application.

12. Indeed on 17.01.2024, the Trial Court passed the impugned award holding that the entire land of respondent nos. 1 to 5 have been acquired for the public project and the Trial Court determined the compensation @ Rs.3,90,000/- per Hectare. Therefore, considering the nature of claim and to meet financial exigencies, respondent nos. 1 to 5 are permitted to withdraw 50% of the compensation amount on furnishing usual undertaking and 25% of the compensation amount on furnishing surety along with accrued interest.

13. Accordingly, the application is disposed of.

(Y. G. KHOBRADE, J.)