



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

CIVIL APPLICATION (CAF) NO. 2075 OF 2026
IN
FIRST APPEAL NO. 549 OF 2024

THE EXECUTIVE ENGINEER, BEMBLA PROJECT, YAVATMAL

Vrs.

JANRAO CHANDRABHAN RAUT (DIED) SMT. YAMUNABAI JANRAO RAUT 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 T. M. Zaheer, Advocate for applicant/appellant.
Shri G. S. Umale, AGP for non-applicant Nos.4 and 5.

CORAM: Y. G. KHOBRADE, J.
DATE : 04/05/2026.

1. Heard Shri T. M. Zaheer, learned counsel appearing for the applicant and Shri G. S. Umale, learned AGP appearing for non-applicant Nos.4 and 5.
2. By the the present application, applicant – Acquiring Body seeks extension of time to deposit the entire amount of compensation before this Court as per the order dated 04/05/2023.
3. Needless to say that on 04/05/2023, this Court passed an order in Civil Application (CAF) No.1370/2023 and stayed the effect, operation and execution of judgment and decree dated 03/02/2022 passed by the Joint Civil Judge Senior Division, Yavatmal in LAC No.412/2016 on the condition that the appellant – Acquiring Body shall deposit entire amount of

compensation with interest within a period of ten weeks therefrom.

4. Learned counsel for the appellant – Acquiring Body further stated that as per the order dated 04/05/2023, the appellant – Acquiring Body deposited decretal amount of compensation within stipulated period. However, because of paucity of funds, remaining amount has not been deposited in time, hence, prayed for extension of time / permission to deposit the remaining amount of compensation.

5. Though the appellant – Acquiring Body deposited some part of compensation amount as per the order dated 04/05/2023, but the entire amount of compensation with interest has not been deposited, though this Court passed an order on 04/05/2023.

6. Therefore, considering the paucity of funds and as such, this Court already stayed the execution of the impugned order, hence, the appellant – Acquiring Body is permitted to deposit remaining amount within a period of two weeks from today. However, there is no explanation as to why the Executive Engineer of Bembla Project kept mum and has not offered any explanation for not depositing the balance amount of compensation within a period of ten weeks w.e.f. 04/05/2023. Therefore, it is a fit case to permit the appellant to deposit remaining amount subject to payment of costs of Rs.25,000/- payable in the account of 'Public Welfare Account' bearing No. 129712010001014, IFSC Code No. UBINO812978,

Union Bank of India, High Court Branch, Civil Lines, Nagpur and the said costs shall be payable from the pocket of Executive Engineer, Bembla Project, Yavatmal and shall produce the receipt of it on record.

7. It is made clear that if the condition of costs is not complied within stipulated period, in that event, this order would be recalled without reference to the Court.

[JUDGE]

Choulwar