

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

14 CIVIL APPLICATION NO. 12722 OF 2015
IN FAST/80/2015

THE EXECUTIVE ENGINEER KUKADI CANAL CONSTRUCTION
DIVISION, KOLWADI DIVISION

VERSUS

CHANDRAKALA DINKAR BORADE AND ANOTHER

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Advocate for Applicant : Mr. Patil Ruturaj C.
Mr. JS Gavane, Adv. for Resp.No.1;
Mr. RB Bagul, AGP for Respondent 2.

CORAM : P.R.BORA, J.

DATE : 6th April, 2016.

PER COURT :

1) Heard the learned Counsel appearing for respective parties.

2) Delay of 885 days has occurred in filing the present appeal by the acquiring body. Shri Patil, learned Counsel for the applicant/appellant submitted that in complying with the procedural formalities and in obtaining sanctions at different levels so also because of some financial difficulties, the appellant could not file the appeal within stipulated period. The learned Counsel submitted that there are several arguable issues which have been raised by the appellant in exception to the impugned Award and

as such, opportunity needs to be given to the appellant for contesting the matter on merits.

3) The learned Counsel appearing for the original claimants has opposed for condoning the delay. The learned Counsel submitted that the reasons which are stated in the application for condoning the delay are not just and sufficient.

) After having considered the submissions advanced by the learned Counsel for the parties and for the reasons stated in the application, which according to me are just and sufficient, I am inclined to allow the present application. Hence, the following order, -

ORDER

i) The delay caused in filing the appeal stands condoned.

ii) The appeal be registered in accordance with law.

iii) CA stands disposed of.

(P.R.BORA)
JUDGE

bdv/