

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.8822/2016gr

**929 CIVIL APPLICATION NO. 8822 OF 2016
IN FAST/968/2016
WITH
CA/8823/2016 IN FAST/968/2016**

THE EXECUTIVE ENGINEER, KUKADI LEFT BANK CANAL,
SUB-DIVISION, AUTEWADI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr.Rajale Gulab B.
AGP for Respondent State: Mr. S.N.Morampalle
Mr.Kasar Rajendra S., Adv., for respondent nos. 2 to 8.

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CORAM : P.R. BORA, J.
Dated: October 21, 2016

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PER COURT :-

1. Delay of 1460 days has occurred in filing the present appeal by the acquiring body. Shri Rajale, learned Counsel appearing for the appellant / applicant, submitted that in making procedural compliances and seeking sanction and approval at different levels and, thereafter, in collecting the documents and making arrangements for Court fees, etc., the delay has been caused and that is the reason that the appellant / applicant could not file the appeal within the stipulated period of limitation. Learned Counsel further submitted that there are valid grounds of objections raised by the acquiring body in exception to the impugned judgment which includes award of interest by

AGP/-

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the Reference Court under Section 34 of the Land Acquisition Act from the date of possession, and an exorbitant amount has been awarded by the Reference Court separately towards the fruit bearing trees.

2. Learned Counsel appearing for the original claimants has opposed for condonation of delay. Learned Counsel submitted that the huge delay has not been sufficiently explained by the appellant / applicant. Learned Counsel further submitted that till today the claimants have not received a single pie towards the compensation awarded for acquisition of their lands. On all these grounds, learned Counsel prayed for rejecting the application.

3. After having considered the submissions and more particularly in regard to the objections raised in respect to the impugned judgment, it appears to me that the acquiring body needs to be given an opportunity to contest the matter on merits. Moreover, the reasons which are stated for occurrence of the delay cannot be totally outrightly rejected. It does not appear that the delay is intentional or not for bona fide reasons. I am, therefore, inclined to allow the application. The application for condonation of delay is allowed. Delay is condoned. The Appeal be registered in accordance with law.

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4. In view of deposit of the amount by the acquiring body, interim stay granted on 11th August, 2016 is made absolute. Application for stay (No.8823/2016) stands disposed of.

(P.R. BORA, J.)

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