

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO.5264 OF 2016
IN
FAST/10209/2016 WITH CA/5265/2016 IN
FAST/10209/2016 WITH CA/5266/2016 IN
FAST/10484/2016 WITH CA/5267/2016 IN
FAST/10484/2016 WITH CA/5268/2016 IN
FAST/10481/2016 WITH CA/5269/2016 IN
FAST/10481/2016 WITH CA/5270/2016 IN
FAST/10487/2016 WITH CA/5271/2016 IN
FAST/10487/2016

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT
MAJBUTIKARN DIVISION, OMERGA AND ORS
VERSUS
VISHWANATH HANUMANT KATGAVE

...

Advocate for Applicants : Mr. Karlekar Sujeet G.
Mr. AM Phule, AGP for State;
Mr. Patil Laxmikant C., Adv. For sole
respondent.

CORAM : P.R.BORA, J.

DATE : 29th September, 2016.

PER COURT :

1) Heard. Delay of 993 days has occurred in filing the present appeals by the acquiring body against the common judgment and award passed in LAR No. 326/2010 and the connected LARs.

2) It is the contention of the applicant/appellant that in making the procedural compliances; seeking sanctions at different levels and arranging for court fees, time was

consumed and that is the reason that the appeals could not be filed within stipulated period of limitation.

. It is further contended that valid objections are raised by the acquiring body in exception to the judgment and award passed by the Reference Court and as such, an opportunity needs to be given to the acquiring body to contest the matters on merits.

3) Shri L.C.Patil, learned Counsel appearing for the respondent, i.e. Original claimant/s in all these matters has opposed for condoning the delay stating that the reasons assigned are not sufficient for condoning the delay and has, therefore, prayed for rejecting the applications.

4) After having considered the contentions raised in the applications, it appears that the delay has been sufficiently explained. Hence, I am inclined to allow the application. The delay is condoned. The applications for condonation of delay are disposed of. The appeals be registered in accordance with law.

5) Heard the learned Counsel for the parties on stay application.

6) The execution of the impugned Award shall stand stayed on condition that the appellant/applicant deposits the entire amount under the Award with the interest accrued thereon

in this Court within a period of 12 weeks from the date of this order. The Civil Applications for stay are disposed of.

7) Issue notice in appeals to the respondent/s. Learned Counsel waives service for respondent in respective matters.

8) Place all these matters for admission after six weeks.

(P.R.BORA)
JUDGE

bdv/