

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

947 CIVIL APPLICATION NO. 9305 OF 2016
IN FAST/13971/2016

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION,
JALNA THR SYED YAHYA QUADRI AN
VERSUS
LAXMAN NAMDEORAO JADHAV AND ANR

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Advocate for Applicant : Mr. Arora Shyam C
Mr. Joshi, Adv. i/by J.p.legal Associates Adv For
Resp 1 And 2

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CORAM : P.R. BORA, J.
Dated: August 12, 2016

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PER COURT :-

1) Heard. Delay of 1134 days has occurred in filing the present appeal by the acquiring body against the Award passed in LAR No. 2520/2010. It is contended that in obtaining necessary sanction at different levels and in making the procedural compliances and securing the amount of court fees, the time has been consumed and that is the reasons that the appeal could not be filed within period of limitation.

2) The learned Counsel further submits that

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

considering the objection raised by the appellant/applicant in exception to the impugned Award, the appellant/applicant needs to be given an opportunity to contest the matter on merits.

3) Learned Counsel appearing for the original claimants has opposed for condoning the delay stating that inordinate delay has occurred and the same has not been properly explained. The learned Counsel in the alternative submits that if the Court is inclined to condone the delay, adequate costs may be awarded to the claimants.

4) In view of the submissions so made, following order, -

ORDER

I) Delay of 1134 days caused in filing the appeal is condoned subject to costs of Rs.2,000/- to be paid to the original claimants.

II) CA for condonation of delay is disposed of.

III) The Appeal be registered in accordance with

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BENCH AT AURANGABAD**

law.

IV) On registration of the appeal, issue notice to respondents, returnable after six weeks. Learned counsel waives service for original claimants/respondents.

(P.R. BORA, J.)

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