

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

22 CIVIL APPLICATION NO. 7860 OF 2015
IN FAST/15035/2015 WITH CA/7859/2015 IN
FAST/15035/2015 WITH CA/7861/2015 IN
FAST/15035/2015

GMIDC THR THE EXECUTIVE ENGINEER MINOR
IRRI.PROJECT LATUR AND ANR
VERSUS
VISHWANATH KISAN MORE

...
AND

25 CIVIL APPLICATION NO. 1137 OF 2016
IN FAST/18768/2015 WITH CA/1138/2016 IN
FAST/18768/2015 WITH CA/1139/2016 IN
FAST/18768/2015 WITH CA/1140/2016 IN
FAST/18764/2015 WITH CA/1141/2016 IN
FAST/18764/2015 WITH CA/1142/2016 IN
FAST/18764/2015

GMIDC THR THE EXECUTIVE ENGINEER, LATUR MINOR
IRRIGATION PROJECT, LATUR AND ANOTH
VERSUS
BAYNABAI MAROTI DEVPUJE AND OTHERS

...

Advocate for Applicants : MR. Kolse Patil
Madhukar G.
Mr. B K Pawar, Adv. For R/1.

CORAM : P.R.BORA, J.

DATE : 30th November, 2016.

PER COURT :

1) Heard. Delay of the period ranging
between 382 to 498 days has occurred in filing
the present appeals. Learned Counsel appearing

for the applicants/appellant submitted that the acquiring body was not made party before the Reference Court and it came to know about passing of the impugned Award only after execution proceedings were filed by the respective claimants. The learned counsel, therefore, has prayed for condoning the delay and has also sought leave to file appeals against the impugned Award.

2) Learned Counsel appearing for the respondent/original claimant has opposed for condoning the delay and granting leave, stating that the Executive Engineer of G.M.I.D.C. was party before the Reference Court and as such, it cannot be said that the appellant was not represented before the Reference Court. The learned Counsel, therefore, prayed for dismissal of both the applications.

3) On perusal of the applications and the impugned Award, it reveals that G.M.I.D.C. Was not party before the Reference Court. Even otherwise, the matters are to be decided on merits. In the circumstances, both the applications deserves to be allowed and are accordingly allowed. The appeals be registered in accordance with law.

4) Heard CA for stay. The execution of the impugned Award shall stand stayed subject to deposit of the entire amount under each of the

Awards by the acquiring body in this Court within twelve weeks from the date of this order. CA for stay are disposed of.

(P.R.BORA)
JUDGE

bdv/