

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.10550 OF 2012

**918 CIVIL APPLICATION NO. 10550 OF 2012
IN FAST/19292/2012**

THE STATE OF MAHARASHTRA
AND ANR
VERSUS
PRAMOD NAGAPPA AND ORS

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**919 CIVIL APPLICATION NO. 10552 OF 2012
IN FAST/19296/2012**

THE STATE OF MAHARASHTRA AND ANR
VERSUS
NAGAPPA SATAPPA PUNJE, DIED THR. L.R. PRAMOD

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Advocate for Applicant State :Mr.S.P.Deshmukh
Mr.Subhash Chillarge, Advocate for R.1A & 1B.

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CORAM : P.R. BORA, J.
Dated: August 30, 2016

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PER COURT :-

1. Delay of 687 days has occurred in filing the appeals by the State against the judgment and award passed in LAR Nos. 809/1998 and 810/1998. Shri Deshmukh, learned A.G.P. Submitted in making procedural compliances, seeking sanctions at different levels, some time was consumed and that is the reason that the appeals could not be filed within the stipulated period of limitation. Learned A.G.P. Submitted that the Reference Court has committed serious errors of law and, as such, the State

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needs to be given an opportunity to contest the matter on merits.

2. Mr. Subhash Chillarge, learned Counsel for respondents, has opposed for condonation of delay.

3. When the present application was taken up for hearing, learned Counsel appearing for the respondent has tendered across the Bar copy of the order passed by this Court (Coram: P.R.Borkar, J.) on 17th March, 2010 in Civil Application No.11479 of 2009 in First Appeal Stamp No.20729 of 2009. Learned Counsel submitted that the aforesaid matter was arising out of the same acquisition proceedings in which this Court (Coram: P.R.Borkar, J.) declined to condone the delay observing that there is no merit in the appeal so filed.

4. I have gone through the order passed by this Court, however, it appears to me that the matter needs to be heard on merits. The reasons which are assigned for occurrence of the delay, according to me, are just and sufficient. Hence, the following order:

ORDER

1. The applications for condonation of delay are allowed. Delay is condoned. Civil Applications disposed of.

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2. The Appeals be registered in accordance with law.
3. Issue notice to the respondents in both the First Appeals returnable after four weeks. Mr. Subhash Chillarge, learned Counsel, waives service for respondents. Service complete.
4. Call for R & P in both the appeals.

(P.R. BORA, J.)

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