IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO.CA/3618/2015 IN FAST/20561/2014 WITH CA/3619/2015 IN FAST/20561/2014

WITH

CA/1676/2015 IN FAST/20551/2014 WITH CA/1677/2015 IN FAST/20551/2014 WITH CA/2565/2015 IN FAST/20452/2014 WITH CA/2566/2015 IN FAST/20452/2014 WITH CA/2567/2015 IN FAST/20566/2014 WITH CA/2568/2015 IN FAST/20566/2014 WITH CA/3616/2015 IN FAST/20460/2014 WITH CA/3617/2015 IN FAST/20460/2014

WITH

WITH CA/3624/2015 IN FAST/20878/2014 WITH CA/3625/2015 IN FAST/20878/2014 WITH CA/3626/2015 IN FAST/20852/2014 WITH CA/3627/2015 IN FAST/20852/2014

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION OMERGA

VERSUS

MUKUND MARUTI LOKHANDE AND OTHERS

…

6 CIVIL APPLICATION NO. 15961 OF 2013 IN FAST/29233/2013

WITH

CA/15962/2013 IN FAST/29233/2013 WITH CA/15963/2013 IN FAST/29305/2013 WITH CA/15964/2013 IN FAST/29305/2013 WITH CA/15965/2013 IN FAST/29315/2013 WITH CA/15966/2013 IN FAST/29315/2013 WITH CA/15967/2013 IN FAST/29320/2013 WITH CA/15968/2013 IN FAST/29320/2013 WITH CA/15969/2013 IN FAST/29329/2013 WITH CA/15970/2013 IN FAST/29329/2013 WITH CA/2175/2014 IN FAST/29543/2013 WITH CA/2176/2014 IN FAST/29543/2013 WITH CA/2177/2014 IN FAST/29549/2013 WITH CA/2178/2014 IN

FAST/29549/2013 WITH CA/2179/2014 IN
FAST/29546/2013 WITH CA/2180/2014 IN
FAST/29546/2013 WITH CA/2181/2014 IN
FAST/29554/2013 WITH CA/2182/2014 IN
FAST/29554/2013 WITH CA/2183/2014 IN
FAST/29380/2013 WITH CA/2184/2014 IN
FAST/29380/2013 WITH CA/2185/2014 IN
FAST/29377/2013 WITH CA/2186/2014 IN
FAST/29377/2013 WITH CA/2187/2014 IN
FAST/29289/2013 WITH CA/2188/2014 IN
FAST/29289/2013

EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIVISION, OMERGA
VERSUS
SURESH YASHWANT CHAVAN AND OTHERS
...

Advocate for Applicant : Mr. Sangle Shirish G.
S/Shri Mr. LC Patil and GS Patil, Advocates For Respondents/claimants (in respective matters)
Mr. SN Morampalle, AGP for Respondents: 2 & 3;

CORAM : P.R.BORA, J.

DATE : 7th December,2016.

PER COURT :

1) Heard learned Counsel and learned AGP for the respective parties.

2) Delay ranging in between 941 to 981 days has occurred in filing the appeals by the appellant - acquiring body. Shri Sangle, learned Counsel appearing for the appellant/applicant

submitted that in making procedural compliances and seeking sanctions at different levels, time was consumed and that is the main reason that the appeals could not be filed within the stipulated period of limitation. The learned Counsel submitted that various grounds are raised by the appellant - acquiring body in exception to the impugned Judgment and Award and as such, an opportunity needs to be given to the appellant – acquiring body to contest the matters on merits.

3) Shri Patil, learned counsel appearing for the Respondents/s - original claimants, opposed for condoning the delay stating that no sufficient reasons are assigned for condoning the delay.

4) On perusal of the application, it appears to me that the delay has been sufficiently explained. It is the contention of the acquiring body that the compensation has been unreasonably enhanced by the Reference Court.

Considering the submissions so made, I am inclined to condone the delay. The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. After registration of the appeals, issue notices to the respondent/s. Learned Counsel and learned AGP waive service for the respective respondent/s.

5) Heard on CA for stay. Execution of the impugned Award shall stand stayed subject to deposit of the entire amount under each of the impugned award along with interest accrued thereon by the acquiring body in this court within 12 weeks from the date of this order. CA for stay disposed of.

6) Place the matters for final disposal at admission stage on 13th January, 2017. Call R. and P.

(P.R.BORA)
JUDGE

bdv/