

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO. 853 OF 2015
IN FAST/20831/2014
WITH CA/855/2015 IN FAST/20932/2014
WITH CA/857/2015 IN FAST/20936/2014

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
SINCHAN BHAVAN, OSMANABAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Gulab B. Rajale.
AGP for Respondents: Mr. G. O. Wattamwar.
Advocate for Respondent No.2 : Mr. Jayant R. Patil.

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CORAM : **P. R. BORA, J.**
DATE : 08th August, 2016.

P.C.:

. Delay of 739 days has occurred in filing the present appeals. The learned counsel for the Applicant submits that in obtaining the sanctions from the higher authority and in making the procedural compliances, the delay has been caused. The learned counsel submits that the objections raised by the Appellant / Applicant in exception to the impugned award need to be considered on their merits and has, therefore, prayed for condoning the delay so as to enable the Appellant / Applicant to contest the matters on merits. The learned counsel for the Claimants in all these appeals has opposed for condoning the delay stating that the delay has not been sufficiently

explained and the reasons, which are stated for occurrence of delay cannot be considered for condoning the delay. In the alternative, the learned counsel has prayed for appropriate costs in the event the delay is condoned. In view of the submissions so made, the following order is passed :

ORDER

- I. All the civil applications are allowed.
- II. Delay caused in filing the appeals is condoned subject to costs of Rs.1,000/- (Rupees One Thousand Only) in each of the matter to be paid to the original Claimants.
- III. Appeals be registered in accordance with the law.

[P. R. BORA, J.]

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