

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

54 CIVIL APPLICATION NO. 10995 OF 2016
IN FAST/22443/2016 WITH CA/10996/2016 IN FAST/22443/2016
WITH CA/10997/2016 IN FAST/22051/2016 WITH CA/10998/2016
IN FAST/22051/2016

THE EXECUTIVE ENGINEER, MEDIUM PROJECT, LATUR (UNDER
GMIDC AURANGABAD) AND ANR
VERSUS
WAMAN VITHALRAO BIRADAR AND ANR

...
Advocate for Applicants : Pawar D.B.
Advocate for Respondents : Gunale V.D. for Resp 1 And 2
...

CORAM : P.R. BORA, J.
DATE : 24-10-2016.

P.C. :

1. Heard Shri Pawar, the learned counsel appearing for the appellant/applicant. Delay of 1057 has occurred in filing the appeal by the acquiring body.

2. Mr. Pawar, the learned counsel submits that, in making procedural compliances time was consumed and that is the reason that the appeals could not be filed within the period of limitation. Learned counsel submits that, the S.L.A.O. had fixed market value of the acquired land @ Rs. 640 per/R and the reference court has enhanced the market value of the acquired lands to the tune of Rs.6,000/- per/R. Learned counsel submits that, the reference court has apparently awarded exorbitant amount of compensation without any cogent and sufficient evidence. The learned counsel

further submits that, the delay is un-intentional and for bonafide reasons and, as such, the appellant body needs to be given an opportunity to contest the matters on merits. The Learned counsel has, therefore, prayed for condoning the delay.

3. Mr. Gunale, the learned counsel appearing for the original claimants has strongly opposed for condoning the delay. Learned counsel submits that, without any sufficient cause the delay cannot be condoned.

4. I have considered the submissions of the learned counsel, I have also perused the impugned judgment. After having perused the impugned judgment and grounds of objection in the memo of the appeal, it appears to me that, the acquiring body needs to be given an opportunity to contest the matter on merits. I am therefore inclined to allow the present application. Hence the following order.

ORDER

- i) The applications are allowed.
- ii) The delay caused in filing the appeal is condoned.
Appeals be registered in accordance with law. Civil applications stand disposed of.
- iii) The hearing of the appeals is expedited.
- iv) Call for record and proceedings.

4. The execution of the impugned awards shall stand stayed subject to deposit of the entire amount under each of the said award along with interest accrued thereon by the acquiring body in this court within ten weeks from the date of this order.

(P.R. BORA)
JUDGE

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