

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.10243/2014

**918 CIVIL APPLICATION NO. 10243 OF 2014
IN FAST/25804/2014**

THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION
USMANABAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr.Bhalerao Sudhir G.

AGP for Respondent State: Mr.S.P.Deshmukh

Mr.Deshmukh Prashant K., Adv., for J. H. Bhote, (power Of
Attorney For R/2)

...

CORAM : P.R. BORA, J.

Dated: August 26, 2016

...

PER COURT :-

1. Heard Shri Bhalerao and Shri Deshmukh,
learned Counsel appearing for the parties.

2. Delay of 1205 days has occurred in filing the
present appeal. Learned counsel appearing for the
applicant submits that in seeking necessary sanctions from
the appropriate authorities in making procedural
compliances time was consumed and that is the reason
why the appeals could not be filed within limitation.
Learned Counsel submits that erroneous mistakes are
committed by the Reference Court in awarding
compensation and as such opportunity needs to be given
to the acquiring body to contest the matter on merits.

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.10243/2014

3. Shri Deshmukh, learned Counsel appearing for the claimants has opposed for condonation of delay. Learned Counsel submits that there are no reasons, much less sufficient reasons, for condoning the delay. In the alternative, learned Counsel submits that if the Court is inclined to condone the delay, adequate costs be awarded to the claimants.

4. Considering the grounds of objection raised in exception of the impugned award, it appears to me that opportunity needs to be given to the appellant acquiring body to contest the matter on merits. In the circumstances, I am inclined to allow the present application; of course, subject to costs as has been claimed by the claimants. Hence, the following order:

ORDER

1) The application for condonation of delay is allowed. Delay is condoned subject to costs of Rs.2,000/- to be paid within eight weeks. Civil Application stands disposed of.

(P.R. BORA, J.)

AGP/-