

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO. 13685 OF 2016
IN FAST/30090/2016 WITH CA/13686/2016 IN FAST/30090/2016

EXECUTIVE ENGINEER ZILLA PARISHAD, PARBHANI
VERSUS
SHRIHARI GANGARAM KACHWE AND ORS

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Advocate for Applicant : Bhavthankar Vivek Vasantrao
AGP for Respondents: U.H. Bhogale

...

CORAM : P.R. BORA, J.
DATE : 24-11-2016.

P.C. :

1. The respondent nos. 1 and 2 i.e. original claimants are duly served, however, none of them has entered appearance in the matter. The learned A.G.P. has appeared for respondent nos. 3 and 4.
2. Shri Bhavthankar, the learned counsel appearing for the appellant/applicant, invited my attention to the earlier order passed by this court on 13.10.2016 and submitted that, in view of the submissions so made, the delay be condoned. It is to be reiterated that, the lands were not acquired by or for the present appellant and as contended by the appellant/applicant that, the award has been wrongly passed against the present applicant/appellant.
3. Considering, the facts as aforesaid though the delay appears to be of a huge period, the same needs to be condoned.

The contents of the application further reveal that the appellant/applicant were bonafidely believing that, since the lands were not acquired by it, the executing court will stay proceedings against it and such application was filed in the year 2010 itself. Shri Bhavthankar submitted that, till today the said application has not been finally decided by the executing court. The learned counsel submitted that, thereafter, as per the legal advice received to the appellant/applicant the present appeal is filed. In view of the submissions so made the following order is passed.

ORDER

- i) The Delay caused in filing the appeal is condoned.
- ii) Appeal be registered in accordance with law.
- iii) The interim order passed on 13.10.2016 shall continue till the decision of the appeal.
- iv) Civil application stand disposed of.

4. On registration of appeal, issue notice to the respondents, returnable on 06.01.2017. Learned A.G.P. waives for respondent nos. 3 and 4.

(P.R. BORA)
JUDGE