

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO. 188 OF 2016
IN FAST/37321/2015

THE EXECUTIVE ENGINEER, CONSTRUCTION RAILWAY BOARD,
CAMP AT LATUR, RAILWAY STATION
VERSUS
VENKAT SANTRAM KOLPHUKE

...
Advocate for Applicant : V. D. Soman
AGP for Respondents: Gundre Suraj V
...

CORAM : P.R. BORA, J.
DATE : 30-09-2016.

Per Court :

1. Delay of 924 days has occurred in filing the present appeal by the acquiring body. Mr. Soman, the learned counsel appearing for the appellant/applicant submitted that because of the shifting of the administrative office of the acquiring body and further in making the procedural compliances some time was consumed and that is the reason that the appeal could not be filed within the stipulated period of limitation.

2. The learned counsel further submitted that, the valid grounds of objections are raised in exception to the impugned judgment which need to be considered on merit. The learned counsel, therefore, prayed for condoning the delay. Shri Gundre Learned counsel appearing for the original claimants has opposed for condoning the delay. The learned counsel submitted that, in the

other matters the acquiring body has preferred the appeal well within the period of limitation. The learned counsel, therefore, has prayed for dismissal of the application. On perusal of the application it is noticed that acquiring body has sufficiently explained the delay. Further, the matter needs to be decided on merits. I am therefore, inclined to allow the present application. Hence, the following order:

- i) Delay is condoned.
- ii) Appeal be registered in accordance with law.
- iii) Civil Application stands disposed of.

(P.R. BORA)
JUDGE