

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

25 CIVIL APPLICATION NO. 8775 OF 2016
IN

FAST/1553/2016 WITH CA/1097/2016 IN
FAST/1527/2016 WITH CA/1098/2016 IN
FAST/1527/2016 WITH CA/1102/2016 IN
FAST/1523/2016 WITH CA/1103/2016 IN
FAST/1523/2016 WITH CA/1105/2016 IN
FAST/1542/2016 WITH CA/1106/2016 IN
FAST/1542/2016 WITH CA/1108/2016 IN
FAST/1537/2016 WITH CA/1109/2016 IN
FAST/1537/2016 WITH CA/1113/2016 IN
FAST/1533/2016 WITH CA/1114/2016 IN
FAST/1533/2016 WITH CA/8776/2016 IN
FAST/1553/2016 WITH CA/5383/2017 IN
FAST/1527/2016

THE EXECUTIVE ENGINEER, KUKADI DISTRIBUTION AND
CONSTRUCTION DIVISION, KOLWADI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicants : Mr.Rajale Gulab B.

Mr.SM Ganachari, AGP for Respondents: 1;

Mr. Garud N.C. Adv For Resp 2.

CORAM : P.R.BORA, J.

DATE : 12th June, 2017.

PER COURT :

. Heard. For the reasons stated in CA
5383/2017, the application is allowed and

disposed of in terms of prayer clause (B). Delay caused in filing the application is condoned. Necessary amendment be carried out forthwith. Shri Garud, learned Counsel waives service for added respondents, i.e. legal heirs of deceased respondent No.2, i.e. 2-1 to 2-7. Service complete. CA disposed of.

2) Office remark shows that the appellant has not taken steps to bring on record the legal heirs of deceased Respondent No.2/6.

3) Shri Rajale, learned Counsel submits that the legal heirs of deceased Respondent No.2/6 are already brought on record. Shri Garud appearing for the said legal heirs fairly concedes this position. The office objection, therefore, stands waived.

4) In filing the present appeals, delay of around 2745 days has occurred. The learned Counsel appearing for the acquiring body submitted that since the acquiring body was not

made party before the Reference Court, it was not aware regarding the land acquisition references so filed. The learned Counsel further submitted that after it was known to the acquiring body that the land acquisition references are allowed against the acquiring body and the compensation amount has been enhanced, all necessary steps were promptly taken by the acquiring body and the present appeals are filed. The learned Counsel further submits that in obtaining sanction at different levels and for securing the amount of court fees, time was further consumed and that is the reason that the appellant/s could not file the appeals within stipulated period of limitation. The learned Counsel, therefore, prayed for condoning the delay, which occurred in filing the present appeal.

5) Shri Garud, learned Counsel appearing for the original claimant/s opposed for condoning the delay. The learned Counsel has, however, alternatively submitted that if the acquiring body is ready to argue the appeals finally

without asking for any adjournment on merits, the delay may be condoned and the appeals may be listed for final disposal immediately after next week. The learned Counsel further submitted that neither the Record and proceedings nor the paper book are required for disposal of the appeals finally. The learned Counsel further submits that having regard to the fact that the already huge delay has occurred, all procedural wrangles may be removed and the matters may be heard finally and if the proposal is accepted the claimants concede for condoning the delay on the aforesaid grounds.

6) In view of the fact that the acquiring body was not made party in the proceedings before the Reference court, some justification is certainly made out by the acquiring body for occurrence of huge delay. However, even then it cannot be accepted that such delay may be caused in filing the appeals. However, in view of the fair submissions so made by the learned Counsel for the original claimants, I deem it appropriate

to condone the delay by accepting all the submissions made by the learned Counsel appearing for the applicant. The learned Counsel for the acquiring body has undertaken not to seek any adjournment and argue the matter finally on the date which may be fixed by this Court.

7) In view of the submissions so made, the delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. CAs for condonation of delay are disposed of.

8) On registration of the appeals, issue notice to the respondents. Learned Counsel Shri Garud waives service for the original claimants. Learned AGP waives service for State in all these matters. Service is complete. List the matters for final disposal on 20th June, 2017. Print dispensed with.

9) In view of the fact that the acquiring body has deposited the entire amount of compensation, as directed by this Court, the

interim stay granted by this Court on 11th August, 2016 is made absolute. Civil Applications for stay are disposed of.

(P.R.BORA,J.)

bdv/