

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.5741 OF 2012gr

**918 CIVIL APPLICATION NO. 5741 OF 2012
IN FAST/3497/2012**

WITH

CA/5745/2012 IN FAST/3493/2012

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. BEED
VERSUS
ANIRUDH BAPUSING BAYAS AND ORS

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Advocate for Applicant : Mr.Chawre Anand
AGP for Respondent State: Mr. S.N.Ganachari
Mr.Naikwade Shivaji K., Adv., for respondent nos. 1 and 2.

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CORAM : P.R. BORA, J.
Dated: June 20, 2017

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PER COURT :-

1. Heard Shri Chavare, learned Counsel appearing for the acquiring body and Shri Naikwade, learned Counsel appearing for original claimants.

2. Delay of 1394 days has occurred in filing the appeals by the acquiring body. Learned Counsel for the acquiring body submitted that in obtaining sanctions for filing appeals from higher authorities and, thereafter, in collecting the documents and procuring the amount for Court fees, time was consumed and that is the reason that the appeals could not be filed within the period of limitation. Learned Counsel submitted that since the delay caused is unintentional, it be condoned and an opportunity be

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given to the acquiring body to agitate the appeals on merits.

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3. Shri Naikwade, learned Counsel appearing for the original claimants opposed for condonation of delay. Learned Counsel submitted that no sufficient reasons are assigned for the huge delay occasioned in filing the appeals. In the alternative, learned Counsel submitted that if the acquiring body shows its willingness to immediately argue the appeals on merits, without waiting for preparation of the paper book and calling for R & P, etc., since the matter can be decided only on the basis of the averments in the judgment, the claimants may concede for condoning the delay which has occasioned. Shri Chavare, learned Counsel, promptly submitted that he is ready with the matter and may argue the matter finally if the delay is condoned. In view of the submission so made, delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil Applications for condonation of delay stand disposed of.

On registration of the appeals, issue notice to the respondents. Shri Naikwade, learned Counsel, waives service for original claimants. Learned A.G.P. waives service for the State and the State authorities. Service complete. The matters shall immediately be taken up for final disposal at admission stage.

(P.R. BORA, J.)

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