

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

**9 CIVIL APPLICATION NO. 8863 OF 2016
IN FAST/3420/2016**

G.M.I.D.C. AURANGABAD THROUGH
THE EXECUTIVE ENGINEER, LOWER
TERNA PROJECT, LIFT IRRIGATION
WORK, OSMANABAD

.. Applicant

VERSUS

NAGARBAI NIVRUTTI MALI (DIED)
THROUGH HER LRS
SUBHADRAIBAI AND OTHERS

..Respondents

...

Advocate for Applicant	:	Shri. P. V. Tapse Patil
Advocate for Respondents No.1 to 5	:	Shri. N.S. Patil h/f
		Shri. R.P. Adgaonkar
AGP for Respondent No.6 / State	:	Shri. S.P. Sonpawale

...

**CORAM : P.R. BORA, J.
Dated: July 13, 2017**

PER COURT :

. Heard the learned Counsel appearing for the respective parties. Though, the delay of 1016 days has occurred in filing the present appeal by the acquiring body, the learned Counsel for the respondent i.e. the original claimant has opposed for condoning the delay stating that the delay has not been sufficiently explained. In the alternative the learned Counsel submitted that if the learned Counsel for the appellant is ready to argue the matter immediately today itself since the amount involved in the present matter is a

meager amount, the original claimant may not have any objection for condoning the delay. The learned Counsel for the appellant submitted that he is ready with the matter and will argue the matter immediately. In view of the above, the following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Delay caused in filing the appeal is condoned.
- (iii) Civil Application stands disposed of. Appeal be registered in accordance with law. On registration of the appeal, issue notice to the respondents. Learned AGP waives service of notice for State. Learned Counsel waives notice for the respondents/original claimants.
- (iv) The appeal shall be immediately placed for final disposal.

(P. R. BORA, J.)

ggp