

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

CIVIL APPLICATION NO. 2158 OF 2016 IN FAST/3426/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION THRLIFT
IRRIGATION DIVISION, OS

VERSUS

NARSINGH VINAYAKRAO PATIL AND OTHERS

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Advocate for Applicant : Mr. R. C. Patil.

Advocate for Respondent No.1 : Mr. V. V. Ingale.

AGP for Respondents No. 2 and 3 : Mr. B. V. Virdhe.

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WITH CA/2160/2016 IN FAST/3550/2016

WITH CA/2162/2016 IN FAST/3505/2016

WITH CA/2164/2016 IN FAST/3547/2016

WITH CA/2166/2016 IN FAST/3512/2016

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CORAM : K.K. SONAWANE, J.

DATED : 02ND NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant and learned counsel for the respondents-original claimant No. 1 as well as learned AGP for the respondents No. 2 and 3- State.

2. These applications for condonation of delay for filing First Appeal/s against impugned Judgment and Award passed by the Civil Judge, Senior Division, Osmanabad. According to learned counsel for applicant- Acquiring Body, the so-called delay caused is not intentional or deliberate, but owing to compliance of official process. After impugned Judgment and Award, applicant has to obtain legal opinion from the concerned Department as well as get sanction of requisite budgetary allocation for court proceedings, and thereafter, present First Appeal. After due compliance, applicant filed present appeal. But, there is delay caused in filing appeal. Hence, he requested to condone the delay.

3. Learned counsel for respondent No.1 (original claimant) raised objection and submits that delay has not been properly explained, same may not be condoned.

4. I have considered the submission advanced on behalf of both sides. Perused the applications. Admittedly, matters pertain to land acquisition proceedings involving public funds. According to applicant, learned Reference Court has awarded exorbitant compensation amount towards market value for the acquired land in favour of respondent No.1 (original claimant). In view of nature of the subject matter and the reasons mentioned in the application, I do not find any impediment to condone the delay. In case, the delay is not condoned, no one individual is going to affect, but the public funds are at stakes. Hence, I prefer to allow the applications. Accordingly, applications for condonation of delay stand allowed in terms of prayer clause 'A'. The delay caused in preferring the First Appeal against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

5. After registration of appeal, issue notice to the respondents. Mr. V. V. Ingale, learned counsel waives service of notice for respondent No.1 (original claimant). Learned AGP waives service of notice for respondents No.2 and 3- State. List the matters for admission on 5th December, 2017.

[K. K. SONAWANE]
JUDGE

rrd.