

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1003 CIVIL APPLICATION NO. 8181 OF 2016
IN FAST/4119/2015 WITH CA/8182/2016 IN FAST/4119/2015

THE EXECUTIVE ENGINEER, WAHUR DAM DIVISION, JALGAON
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, UPPER TAPI PRAKALP,
HATNOOR NO.1, JALGAON A

...
Advocate for Applicant : Mr. Dhongade Suresh D.
AGP for Respondents: Mr. A.M. Phule
Advocate for Respondents : Mr. G.V. Wani
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CORAM : V. K. JADHAV, J.
DATED : 7th JULY, 2017

PER COURT:-

1. Heard both sides.
2. Learned counsel for the applicant acquiring body submits that due to some administrative difficulties the appeal could not be preferred within limitation. The delay is not intentional one and the applicant acquiring body was prevented from sufficient cause to prefer appeal within limitation. Learned counsel for the respondents original claimants has strongly resisted the application on the ground that delay has not been explained satisfactorily.
3. In view of above submissions and for the reasons stated in the civil application, delay caused in filing first appeal is hereby condoned. Civil application is disposed of.

4. In so far as stay application is concerned, pending, the hearing and final disposal of first appeal, the execution, implementation and operation of the impugned judgment and award under appeal is hereby stayed on the condition that the applicant shall deposit entire amount under award with accrued interest thereon, in this Court, within a period of 10 (ten) weeks from today, failing which the order granting stay shall stand vacated automatically without further reference to the Court. Civil application for stay is accordingly disposed of.

5. In first appeal, issue notice to the respondent, returnable on 18.08.2017. Learned A.G.P. and learned counsel waive notice for respective respondents. Call for record and proceedings.

(V. K. JADHAV, J.)

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