

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

9 CIVIL APPLICATION NO. 6790 OF 2017
IN FAST/4218/2017

THE EXECUTIVE ENGINEER, L.I.D. OFFICE OSMANABAD AND ORS
VERSUS

ABHIMANYU VISHNU KSHIRSAGAR AND ANR

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Advocate for Applicants : Mr. Patil Ruturaj C.
Advocate for Respondents 1 and 2: Mr. Patil Laxmikant C.

CORAM : K. L. WADANE, J.

DATE : 20th September, 2017

ORDER:

1. Heard.

2. This is an application by the applicant acquiring body for condonation of delay of 1135 days caused in filing of the appeal. Mr. Patil, the learned counsel for respondent Nos.1 and 2 opposed the application on the ground that there is huge delay and it is not properly explained.

3. From the contents of the application, particularly para 2(i) to 2(iv), it appears that as per procedure, the applicant was required to obtain legal opinion and obtain permission and sanction to file appeal so also the appellant was required to spend huge amount on litigation as number of matters are pending in various courts relating to various

water tank irrigation projects undertaken by the Godavari Marathwada Irrigation Development Corporation Ltd. As some projects have already completed long back, there is no budgetary provision to spend the amount and hence, after obtaining financial sanction from various authorities and after consultation with the concerned Advocate, the appellant has presented the appeal alongwith this application for condonation of delay.

4. For the reasons stated in the application, I am satisfied that the appellant was prevented by certain causes as indicated above from filing the appeal in time. Hence, the delay is properly explained and the same is liable to be condoned and it is accordingly condoned. Civil application disposed of.

5. First Appeal be registered. After registration of the Appeal, issue notice to the respondents, returnable on 01.11.2017. Mr. Patil, the learned counsel, waives service of notice for respondent Nos.1 and 2.

(K. L. WADANE, J.)

JPC