

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

**BENCH AT AURANGABAD**

939 CIVIL APPLICATION NO. 6680 OF 2016  
IN FAST/5205/2016 WITH CA/6682/2016 IN FAST/5211/2016 WITH CA/6685/2016  
IN FAST/5208/2016 WITH CA/6678/2016 IN FAST/5075/2016

THE EXECUTIVE ENGINEER, KUKADI DISTRIBUTION AND CONSTRUCTION DIVISION,  
KOLWADI  
VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicants : Mr. Rajale Gulab B.

AGP for Respondent no.1: Mr. S. P. Sonpawale.

Advocate for Respondents No.2 to 4 : Mr. V. D. Hon, Senior Adv., I/b Mr. Mr. A. V.  
Hon.

...

**CORAM : PR. BORA, J.**

**DATE : 05-07-2017.**

**P.C. :**

1) Civil Application no. 6678/2016 is not on Board. Taken on Board. For the reasons stated in the application, the application is allowed in terms of prayer clause-B. The necessary amendment be carried out forthwith and the names of the legal representatives of deceased respondent be taken on record forthwith.

2) Heard Shri. Rajale, learned Counsel appearing for the acquiring body and Shri V. D. Hon, learned Senior Counsel appearing for the respondents/ original claimants. Delay of 1052 days has occurred in filing these appeals by the acquiring body. Shri Rajale, submits that in obtaining approval from the higher authorities, securing legal opinion for filing an appeal and thereafter for collecting necessary documents and procuring the amount of court fees for filing these appeals, the delay has occurred in filing these appeals. Learned Counsel submitted that the delay is unintentional and has occasioned only because of some

procedural lapses. Learned Counsel therefore, prayed that by giving an opportunity to the acquiring body the matter be decided on merits. Shri. Hon, learned Senior Counsel though opposed for condoning the delay, in the alternative, submitted that in fact all these appeals can be immediately taken up for final hearing and if learned Counsel for the acquiring body is ready to argue the appeals finally, the claimants may not have any objection for condoning the delay.

3) In view of the submissions so made, the delay is condoned. Civil Applications for condonation of delay are allowed and disposed of. The appeals be registered in accordance with law. On registration of the appeals, issue notice to the respondents. Shri. Hon, learned Senior Counsel, waives for the respondents i.e. original claimants. Service complete. Learned AGP Shir Sonpawale waives for the State. Service Complete. Matter shall be taken up for final disposal immediately.

**(P.R. BORA)**  
**JUDGE**

vsm