

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

CIVIL APPLICATION NO. 3055 OF 2016 IN FAST/5462/2016

THE EXECUTIVE ENGINEER, MAJALGAON DAM, DIVISION NO.10,  
PARBHANI AND OTHERS  
VERSUS  
SUNIL ANANTRAO KULKARNI

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

AGP for Applicants No.2, 3 : Mr. S. R. Yadav-Patil.

Advocate for Respondent : Mr.V.B.Jogdand-Patil h/f. Mr.V.D.Bhise.

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**CORAM : K.K. SONAWANE, J.**

**DATED : 29<sup>TH</sup> NOVEMBER, 2017.**

**Order :-**

Heard the learned counsel for applicant No.1- Acquiring Body and the learned counsel for respondent (original claimant).

2. Perused application. Present application is moved for condonation of delay of 253 days caused for filing First Appeal against impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Parbhani, in the Land Acquisition Reference No. 93 of 2012 dated 04-03-2015 filed under Section 18 of the Land Acquisition Act, 1894 on behalf of respondent (original claimant). According to learned counsel for applicant No.1- Acquiring Body, the so-called delay caused is not intentional and deliberate, but owing to compliance of official process. After impugned Judgment and Award, applicant No.1 Acquiring Body has to obtain certified copies of impugned Judgment and Award, as well as to seek legal opinion from the concerned Department with requisite budgetary allocation for court proceedings. After due compliance, applicant filed present appeal. But, there is delay caused in filing appeal. Hence, learned counsel for applicant Acquiring Body requested to condone the delay.

3. Learned counsel for respondent-original claimant has raised objection and submits that delay has not been properly explained and same may not be condoned.

4. I have given anxious consideration to the submissions advanced on behalf of both sides. Perused the application. Admittedly, matter pertains to the land acquisition proceedings involving public funds. The applicant- Acquiring Body is the government agency looking after the irrigation projects. In view of nature of the subject matter and the reasons mentioned in the application, I find that reasonable opportunity is essential to be granted to applicant- Acquiring Body to ventilate it's grievance in the Appellate Forum for redressal. Therefore, delay caused for filing First Appeal is required to be condoned. Accordingly, application for condonation of delay stands allowed in terms of prayer clause 'A'. The delay of 253 days caused in preferring the First Appeal against impugned Judgment and Award is hereby condoned. The civil application stands disposed of in above terms. Registry to take requisite steps for further process.

5. After registration of appeal, issue notice to the respondent-original claimant. Mr. V.B.Jogdand Patil h/f. Mr.V.D.Bhise, learned counsel, waives service of notice for respondent-original claimant.

6. Meanwhile, call for record and proceedings from the concerned Reference Court.

7. After compliance of procedural formalities, print, etc., list the matter for admission in due course.

**[ K. K. SONAWANE ]**  
**JUDGE**

rrd.