

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

CIVIL APPLICATION NO. 2730 OF 2015 IN FAST/6257/2014

THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
(NOW UNDER THE MAHARASHTRA KRISHNA VALLEY DEVELOPMENT
CORPORATION LTD., PUNE)

VERSUS

EKNATH ANANT YADAV (DIED) THROUGH LEGAL HEIRS AND OTHERS

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Advocate for Applicants : Mr. S. G. Sangle.
Advocate for Respondents-original claimants : Mr. R. S. Kasar.
AGP for Respondent State : Mr. S. S. Dande.

...

WITH CA/2732/2015 IN FAST/5932/2014

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CORAM : K.K. SONAWANE, J.

DATED : 10TH NOVEMBER, 2017.

Order :-

Heard learned counsel for the applicant- Acquiring Body and learned counsel for respondents (original claimants) as well as learned AGP for respondent No. 3. Perused the applications. The applications pertain to the condonation of delay.

2. According to learned counsel for applicant-Acquiring Body, the delay of 689 days caused for filing First Appeal against impugned Judgment and Order passed by learned Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference No. 146 of 2008 dated 17-01-2012, is not intentional or deliberate, but it was caused due to compliance of official process. The learned Reference Court has granted compensation in exorbitant manner, therefore, he prayed to condone the delay by allowing the applications.

3. The learned counsel for respondents (original claimants) have no objection to condone the delay. The learned AGP for respondent State also prayed suitable order in the interest of justice may be passed.

4. In such circumstances and in view of reasons mentioned in the applications, the applications for condonation of delay for filing First Appeal stand allowed in terms of prayer clause 'B'. The delay caused in filing the first appeal against the 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.

6. Mr. Kasar, learned counsel waives service for respondents-original claimants and learned AGP waives service of notice for respondent State.

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

8. List the matters for hearing at the stage of admission in due course.

9. The civil applications are allowed in aforesaid terms and disposed of.

[K. K. SONAWANE]
JUDGE

rrd.