

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

**915 CIVIL APPLICATION NO. 7339 OF 2016
IN
FIRST APPEAL STAMP NO.7389 OF 2016**

The Executive Engineer,
Minor Irrigation Division Osmanbad
Through GMIDC Aurangabad and another ...APPLICANTS

versus

Mahadeo Rakhamji Kedar died
Through his LRs Pandurang and ors. ...RESPONDENTS

.....

Mr. S.R. Dheple, Advocate for applicants
Mr. Vikas S. Tanwade, Advocate for respondents No. 1 to 3

.....
WITH
CA/7341/2016 IN FAST/7575/2016
WITH
11 CIVIL APPLICATION NO. 7063 OF 2016
IN FAST/7380/2016 WITH CA/7061/2016 IN FAST/7572/2016 .
WITH
12 CIVIL APPLICATION NO. 7069 OF 2016
IN FAST/7374/2016 WITH CA/7067/2016 IN FAST/7578/2016
..

CORAM : K.K. SONAWANE, J.

DATED : 31st AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondents-original claimants. Perused the applications and relevant documents produced on record.
2. The learned counsel for the applicant-Acquiring Body submits that the delay caused in filing the Appeals against the impugned Judgment and Award is not intentional or deliberate, but it caused due

to official process. In case, the delay is not condoned, it would cause prejudice and injustice to the applicant-Acquiring Body as exorbitant amount/compensation was granted to the respondents original claimants. Hence, he prayed to condone the delay.

3. The learned counsel for respondents-original claimants has no objection to condone the delay.

4. In view of the reasons mentioned in the application, I find that reasonable opportunity is required to be given to the applicants to ventilate the grievances in Appellate Forum against the compensation amount determined by the learned Reference Court. The appellant is the Government Agency i.e. Acquiring Body and in view of public interest, it is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. Moreover, there is no objection on behalf of respondents-original claimants to condone the delay. In this situation, applications stand allowed in terms of prayer clause "B". The delay so caused in preferring the appeals against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

5. On registration of appeal, list the appeals for hearing on its admission, on 28-09-2017.

[K. K. SONAWANE]
JUDGE

