

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

951 CIVIL APPLICATION NO. 15884 OF 2015
IN FAST/7646/2015 WITH CA/15887/2015 IN FAST/7760/2015

THE EXECUTIVE ENGINEER LATUR MINOR IRRIGATION DIVISION
VERSUS
PRASHANT BALASAHEB WAGHMODE AND OTHERS

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Advocate for Applicant : Mr. Patil Pravin S.
AGP for Respondents No. 2 and 3 : Mr. S.S. Dande.
Advocate for Respondent No. 1 : Mr. Gundare Suraj V.

CORAM : K. L. WADANE, J.

DATE : 26th September, 2017

ORDER:

1. These applications are filed by the applicant/acquiring body for condonation of delay of 1012 days caused for filing appeal.

2. Heard learned counsel appearing for the applicant as well as respondents. The delay is caused for following reasons :

(i) After passing of the Award by the learned Reference Court the advocate who was representing the applicant had made representation to the office of the applicant and suggested to prefer an appeal before this Court. After receipt of the proposal/letter by the advocate of the applicant it was sent for the legal opinion and also sought the permission to file an appeal. Such permission was received on 24.5.2012.

The applicant appointed an advocate for filing an appeal. Thereafter learned counsel for the applicant collected certified copies of all the necessary documents and intimated to the applicant to pay the court-fees and other expenses. After getting the same, the appeal is presented before this Court.

3. Learned counsel for the respondents oppose the application on the ground that there is huge delay.

4. From the reasons/grounds stated in the applications, I am satisfied that delay is properly explained and which was not intentional. Hence, applications are allowed. Delay caused for filing the appeal stands condoned.

5. Civil Applications are disposed of.

6. In the First Appeal issue notice to the respondents. Mr. Gundare, learned counsel, waives service of notice for respondent No. 1 and Mr. Dande, learned A.G.P., waives service of notice for respondents No. 2 and 3.

7. Learned counsel for the applicant seeks four weeks time to deposit the amount of compensation as per the order passed by this Court while disposing the

earlier civil application for stay.

8. Stand over to 07.11.2017.

(K. L. WADANE, J.)

mkd