

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

927 CIVIL APPLICATION NO.10332 OF 2016

IN FAST/7476/2016 WITH CA/10335/2016 IN FAST/9038/2016
WITH CA/10341/2016 IN FAST/9079/2016 WITH CA/10345/2016
IN FAST/9082/2016 WITH CA/10352/2016 IN FAST/9073/2016
WITH CA/10358/2016 IN FAST/9070/2016 WITH CA/10361/2016
IN FAST/9067/2016 WITH CA/10367/2016 IN FAST/9053/2016
WITH CA/10371/2016 IN FAST/9047/2016

THE EXECUTIVE ENGINEER, MEDIUM PROJECT
DIVISION, OSMANABAD AND ORS.

.. Applicants

VERSUS

PANDURANG DAGADU MAGAR

.. Respondent

...

Advocate for Applicants : Mr U. K. Patil
Advocate for Respondent No. 1 : Mr. Vivek V. Tarde

...

**CORAM : P.R. BORA, J.
Dated: July 04, 2017**

PER COURT :

1. Heard Shri. Umakant Patil, learned Counsel appearing for the acquiring body and Shri. Vivek Tarde, learned Counsel appearing for the respondentS i.e. original claimants in all these matters. Delay of more than 700 days has occurred in filing the present appeals by the acquiring body.

2. Adv. Umakant Patil submitted that, in complying with the procedural requirements, most of the time was consumed. Learned Counsel submitted that, for filing an appeal, legal opinion

has to be obtained, sanctions are required from the higher offices and thereafter the arrangement for the court fees are to be made and these are the reasons that the appeals could not be filed within the period of limitation. The learned Counsel submitted that, the Reference Court has unreasonably enhanced the amount of compensation though there was no sufficient evidence therefor. The learned Counsel submitted that, considering that public money is involved, the acquiring body shall be given an opportunity to agitate its matters on merits by condoning the delay, which has occasioned in filing the appeals.

3. Shri. Tarde, the learned Counsel for the respondent i.e. original claimants opposed for condoning the delay. The learned Counsel submitted that, the delay has not been sufficiently explained and even if it is accepted that some procedural compliances were to be made, no such huge period of more than 700 days should have been consumed for the said purpose. He, therefore, prayed for rejecting the applications.

4. Having regard to the fact that, the reasons which are assigned cannot be outrightly rejected and more particularly having regard to the fact that the public money is involved, it appears to me that, an opportunity needs to be given to Acquiring Body to agitate its matters on merits. Hence, the following order.

ORDER

1. Applications are allowed. The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil applications stand disposed of.

2. On registration of the appeals, issue notice to the respondents. The learned Counsel Shri. Tarde waives service of notice for the respondents i.e. original claimants. Service is complete.

3. List the matters for final disposal at admission stage after four weeks.

4. Call for Record and Proceedings.

(P.R. BORA, J.)

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