

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO. 11746 OF 2017
IN FAST/12581/2016
THE EXECUTIVE ENGINEER, MINOR IRRIGATION CANAL DIV.-1, AURANGABAD
UNDER THE GMIDC
VERSUS
ASARAM RAVJI JADHAV AND ANR

...
Advocate for Applicant : Mr. Prasad Jarare h/f Mr. S.S. Thombre
AGP for Respondents: Mr. B.V. Virdhe

CORAM : K.K. SONAWANE, J.

DATE : 11th October, 2017.

PER COURT:

1] Heard learned counsel for the applicant/Acquiring Body, learned AGP for State and learned counsel for the respondent.

2] Perused the application. This is an application for condonation of delay. Learned Counsel for applicant/s submits that due to official procedure to present an appeal, delay has been caused. He submits that delay is not deliberate and intentional but caused owing to administrative compliance. As such, he prayed to condone the delay.

3] Learned counsel for the respondent No.1 did not controvert the contentions put forth on behalf of the applicants and fairly conceded for condonation of delay in the interest of justice.

4] In view of the submissions advanced on behalf of both sides as well as the reasons mentioned in the application, I find that there is sufficient cause for condonation of delay. I am of the considered opinion that reasonable opportunity needs to be given to the applicant Acquiring

Body to ventilate its grievances in the appellate forum. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the application stands allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal.

5] On registration of appeal, issue notice to respondents. Learned counsel Shri Wayal, Advocate waives notice for respondent No.1. Learned AGP waives notice for respondent No.2. On compliance of procedural formalities, list the matter for admission on 28th November, 2017.

[K.K. SONAWANE]
JUDGE.

grt/-