

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

CIVIL APPLICATION NO. 6192 OF 2014 IN FAST/12231/2014

THE STATE OF MAHARASHTRA
VERSUS
PARSHURAM EKNATH CHOLE AND OTHERS

...
AGP for Applicant : Mr. S. R. Yadav-Lonikar.
Advocate for Respondents No.1 to 3 : Mr. V. G. Sakolkar,
...

CIVIL APPLICATION NO. 6194 OF 2014 IN FAST/12305/2014
CIVIL APPLICATION NO. 6196 OF 2014 IN FAST/12301/2014
CIVIL APPLICATION NO. 6198 OF 2014 IN FAST/12298/2014
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CORAM : K.K. SONAWANE, J.

DATED : 25TH SEPTEMBER, 2017.

Order :-

Heard learned AGP for the appellant-State as well as learned counsel for original claimant. None appears for respondent-Acquiring Body. Perused the application.

2. The learned AGP submits that, there is delay of 578 days for filing the First Appeal. The delay caused is not intentional or deliberate, but caused due to compliance of procedural formalities. Hence, he requested to condone the delay.

3. The learned counsel for respondents-original claimants submits that the original claimants has also preferred the appeal against impugned Judgment and Award passed by the learned Reference Court, therefore, he prayed for rejection of application.

4. I have delved into the attending circumstances as well as relevant documents produced on record. Matter pertains to the land acquisition proceedings. The claimant has also filed the appeal against the impugned Judgment and Award of the learned Reference Court. Therefore, I do not find any impediment to provide reasonable opportunity to the applicant State to approach to the Appellate Forum for redressal. In such circumstances and in view of reasons mentioned

in the application, the application for condonation of delay of 578 days for filing First Appeal stands allowed in terms of prayer clause 'B'. The delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Accordingly, civil application is disposed of. Registry to take requisite steps for further process.

5. After registration of appeal, issue notice to the respondents, returnable on 8th November, 2017. Mr. V. G. Sakolkar, learned counsel for respondents-original claimants waives service of notice for the respondents-original claimants. Meanwhile, call for record and proceedings from the concerned Reference Court. After compliance of appearance of Acquiring Body, list the matter for final hearing on merit at the admission stage.

[K. K. SONAWANE]
JUDGE

rrd.