

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

27 CIVIL APPLICATION NO.8206 OF 2016
IN
FAST/13202/2016
WITH
CA/8210/2016 IN FAST/13412/2016 WITH CA/8213/2016
IN FAST/13420/2016 WITH CA/8215/2016 IN
FAST/13425/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
OSMANABAD
VERSUS
ANIL S/O SOMNATH YELE

...

Advocate for Applicant : Mr. Dheple Shantaram R.
Mr. AN Nagargoje, Adv. For Respondent/s (original
claimant/s)

CORAM : P.R.BORA, J.

DATE : 10th July, 2017.

PER COURT :

1) Heard. In the present matters, delay of 1300 days has occurred in filing the appeals by the acquiring body. Learned Counsel appearing for the acquiring body submitted that in making procedural compliances time was consumed and that is the main reason that the appeals could not be filed within period of limitation. The learned Counsel submitted that without obtaining the

sanction from the higher office, the appeals could not be filed and further the acquiring body is required to take legal opinion from Law & Judiciary Department also. The learned Counsel submitted that in making these compliances and thereafter for procuring amount of court fees, some delay has caused and, therefore, the appeals could not be filed within period of limitation. The learned Counsel submitted that the appeals be heard on merits since the Reference Court has enhanced the amount of compensation from Rs.270/- per Are to Rs. 1500/- per Are.

2) Shri Nagargoje, learned Counsel appearing for the claimants though has opposed for condoning the delay, stating that the reasons which are assigned are insufficient to condone the delay, in alternative, made submission that the acquisition is of the year 1995 and the Reference Court has decided the Reference Application in the year 2012, in the circumstances, if the matters are immediately

taken up for final disposal today, the claimants may not have objection for condoning the delay and hearing the appeals on merits. The learned Counsel for the acquiring body thereupon promptly submitted that he is ready with the matter and will argue the appeals immediately.

3) In view of the submissions so made, the delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil Applications for condonation of delay stand disposed of. The matters shall immediately be placed for hearing.

(P.R.BORA,J.)

bdv/