

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.7042/2017gr

**931 CIVIL APPLICATION NO. 7042 OF 2017
IN FAST/26169/2016**

WITH
CA/12747/2016 IN FAST/26169/2016
WITH
CA/12749/2016 IN FAST/26169/2016
WITH
CA/12752/2016 IN FAST/26215/2016
WITH
CA/12754/2016 IN FAST/26215/2016
WITH
CA/12755/2016 IN FAST/26220/2016
WITH
CA/12756/2016 IN FAST/26220/2016
WITH
CA/12757/2016 IN FAST/26201/2016
WITH
CA/12758/2016 IN FAST/26201/2016
WITH
CA/7043/2017 IN FAST/26201/2016
WITH
CA/7044/2017 IN FAST/26220/2016
WITH
CA/7045/2017 IN FAST/26215/2016

SAHEBRAO KALUJI WAGHMARE
VERSUS
THE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DIVISION, DEULGAON RAJA AND ORS

...
Advocate for Applicant : Mr. Palve Babanrao N.
AGP for Respondent State: Mr. P.G. Borade
Mr. S.B. Deshpande, Adv. for R/1.

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**932 CIVIL APPLICATION NO. 7057 OF 2017
IN FAST/26208/2016**

WITH
CA/12760/2016 IN FAST/26208/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.7042/2017gr

WITH
CA/12762/2016 IN FAST/26208/2016

BHAGWAN DAGDU NAALE
VERSUS
THE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DIVISION,DEULGAONRAJA AND ORS

...

933 CIVIL APPLICATION NO. 7075 OF 2017

IN FAST/26225/2016

WITH
CA/12745/2016 IN FAST/26225/2016

WITH
CA/12746/2016 IN FAST/26225/2016

VISHNU DAGDU NAALE
VERSUS
THE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DIVISION,DEULGAONRAJA AND ORS

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934 CIVIL APPLICATION NO. 7076 OF 2017

IN FAST/26234/2016

WITH
CA/12750/2016 IN FAST/26234/2016

WITH
CA/12751/2016 IN FAST/26234/2016

AMBADAS RAMRAO NAGARE
VERSUS
THE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DIVISION,DEULGAON RAJA AND ORS

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CORAM : P.R. BORA, J.
Dated: June 29, 2017

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3)

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PER COURT :-

1. Delay occasioned in some matters is of 235 days, in some matters is of 236 days, and in one matter delay of 224 days has occurred in filing the appeals by the acquiring body.

2. Shri Deshpande, learned Counsel for acquiring body submits that in making procedural compliances, delay has been caused, however, it is unintentional. Learned Counsel submits that substantial grounds are raised in exception to the awards impugned in the present appeals. Learned Counsel, therefore, prayed for condonation of delay and extending an opportunity to the acquiring body to agitate its matters on merits.

3. Shri Palve, learned Counsel appearing for the respondents i.e. original claimants, has opposed for condonation of delay stating that the reasons which are assigned are insufficient and delay cannot be condoned on the basis of such grounds.

4. I have carefully considered the contentions raised on behalf of the learned Counsel appearing for the respective parties. In paragraph nos. 2 and 3 of the application for condonation of delay the acquiring body has explained the causes for delay. It appears that the delay has been caused in obtaining approval from the higher office and then for arranging documents and making arrangements for court fees, etc. Since plausible reasons are

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assigned, I am inclined to condone the delay which has been caused in filing the appeals by the acquiring body. For the reasons stated in the applications which, according to me, are just and sufficient, the delay caused in filing the appeals is condoned. Civil Applications for condonation of delay stand disposed of. The Appeals be registered in accordance with law.

5. After registration of the appeals, issue notice to the respondents in the appeals returnable after four weeks. Shri Palve, learned Counsel, waives service for respondents / original claimants. Service complete. Call for R & P.

Place these matters for admission on 20th of July, 2017.

6. Heard learned Counsel for the applicant and the learned Counsel for the acquiring body on applications for withdrawal of amount.

7. Having regard to the grounds of objections raised in exception to the impugned Awards and the averments in the applications for withdrawal of the amount, the respective applicants are permitted to withdraw 60% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance 40% amount be invested in Fixed Deposit Receipt of any Nationalized Bank, initially for a period of two years and if so required for further period till disposal of the appeals. Civil Applications for withdrawal of amount

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stand disposed of in above terms.

7. Heard learned Counsel for the applicants and the learned Counsel for the acquiring body on applications for stay. In view of the fact that the acquiring body has deposited entire amount of compensation, interim order passed by this Court on 23rd September, 2016 is made absolute. Civil Applications for stay stand disposed of.

(P.R. BORA, J.)

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