

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 7251 OF 2016 IN FAST/15618/2016

WITH

CA/8337/2016 IN FAST/15638/2016

WITH

CA/8340/2016 IN FAST/15980/2016

WITH

CA/8342/2016 IN FAST/15985/2016

WITH

CA/7260/2016 IN FAST/16031/2016

WITH

CA/7263/2016 IN FAST/16068/2016

WITH

CA/7253/2016 IN FAST/16082/2016

WITH

CA/7255/2016 IN FAST/16012/2016

WITH

CA/7268/2016 IN FAST/16040/2016

THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION,

OSMANABAD AND ORS

VERSUS

JAISING SHIVAJI PATIL AND ANR

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Advocate for Applicants : Shri Rajale Gulab B.

Advocate for Respondents : Shri. M. P. Tripathi and Shri K. J. Ghute Patil

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CORAM : P R. BORA, J.

DATE : 03.08.2017

PER COURT :

1) Heard Shri Rajale, learned Counsel appearing for the applicant i.e. acquiring body and Shri Manish Tripathi for the respondents i.e. original claimants in all these matters. Delay ranging between 480 and 526 days has occurred in filing these appeals by the

acquiring body. Learned Counsel for the acquiring body submitted that acquiring body was required to obtain sanction from its higher office and also the approval from the Law & Judiciary Department. The learned Counsel submitted that in obtaining such approvals, the time was consumed and that is the main reason that the appeals could not be filed within the period of limitation. Learned Counsel submitted that Reference Court has enhanced amount of compensation unreasonably and contrary to the evidence on record. The learned Counsel submitted that when S.L.A.O. had determined the market value at the rate of Rs.950/- & 1,000/- per Are, the Reference Court has enhanced it to Rs.4,166/- per Are for Jirayat land and Rs.8,000/- per Are for irrigated land. The learned Counsel submitted that since public money is involved, appeals be heard on merits by condoning the delay.

2) Learned Counsel for the respondents have strongly opposed for condoning the delay and submitted that the reasons are insufficient for condoning the huge delay which has occurred in filing the appeal by the acquiring body. The learned Counsel, therefore, prayed for rejecting the applications.

3) I have considered the submissions made by the learned Counsel appearing for the parties. It is true that the delay which has been caused is of a longer period of 480 & 526 days in respective applications. It also apparently appears that the officers concerned were

not diligent, in other words, were negligent in prosecuting the matters. However, fact cannot be ignored that the compensation which has been enhanced by the Reference Court prima facie appears to be on higher side. The evidence in the matter, therefore, will have to be re-scrutinized since the public money is involved. I am, therefore, inclined to allow these applications so that the matters can be heard on merits. Hence, the following order.

ORDER

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

(P. R. BORA)
JUDGE