

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

CIVIL APPLICATION NO. 8306 OF 2016
IN FAST/15632/2016

THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND OTHERS

VERSUS

MAHADEO BHAU SAPKAL DIED HIS LRS DROPATABAI AND OTHERS

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Advocate for Applicant No.1 : Mr. V. S. Badakh.

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WITH CA/8308/2016 IN FAST/16098/2016

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CORAM : K.K. SONAWANE, J.

DATED : 25TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for applicant No.1-Acquiring Body. Despite service of notice to the respondents, none appears for them. These applications are moved to condone the delay of 539 days for filing First Appeal against the impugned Judgment and Award passed by the learned Reference Court, Bhoom. According to learned counsel for applicant No.1-Acquiring Body, the delay is not intentional and deliberate, but caused due to compliance of procedural formalities. Hence, he requested to condone the delay.

2. As referred to supra, despite service of notice to the respondents, none appears for them. Hence, no opportunity is received to hear the respondents on these applications.

3. I have considered the submissions canvassed on behalf of applicant No.1-Acquiring Body. Perused the applications and relevant documents produced on record.

4. Admittedly, matters pertain to the land acquisition proceedings involving the public funds in this matter. According to applicant No.1-Acquiring Body, the learned Reference Court awarded exorbitant market price in favour of respondents-original claimants in absence of any cogent evidence. In such circumstances, I do not find

any impediment to condone the delay. In case, the delay is not condoned, no one individual would affect, but the public funds are at stake. Hence, civil applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused for filing First Appeals is hereby condoned. Accordingly, civil applications stand disposed of. The Registry to take requisite steps for further process.

5. On registration of appeals, issue notice of hearing of the appeals at the admission stage to the respondents- original claimants, in due course.

[K. K. SONAWANE]
JUDGE

rrd.