

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

CIVIL APPLICATION NO. 14701 OF 2016 IN FAST/16655/2016

THE EXECUTIVE ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
OSMANABAD AND ANOTHER
VERSUS
SAHEBB MAHADA GUNJAL DIED LRS BABASAHEB AND OTHERS

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Advocate for Applicants : Mr. Atul R. Kale.
Advocate for Respondents No.6 and 7 : Mr. S. R. Yadav-Lonikar.

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CORAM : K.K. SONAWANE, J.

DATED : 25TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for the applicant- Acquiring Body as well as learned AGP for respondents No.6 and 7. Despite service of notice, none appears for respondents No.1 to 5 (original claimants). Perused the application.

2. There is a delay of 528 days for filing the First Appeal against the impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Bhoom, in Land Acquisition Reference No. 1016 of 2014 (Old L.A.R.No. 583 of 2013) dated 18th July, 2014.

3. Considering the reasons mentioned in the application, I do not find any impediment to grant one more opportunity to the applicant- Acquiring Body to ventilate its grievance before the Appellate Forum for redressal. Matter pertains to the land acquisition proceedings. In case, delay is not condoned, no one individual is to be affected, but the public interest is at stake.

4. In such circumstances and in view of reasons mentioned in the application, the application for condonation of delay of 528 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 stands disposed of. Registry to take requisite steps for further process.

5. After registration of appeal, issue notice to the respondents No. 1 to 7, returnable on 9th November, 2017. The learned AGP waives service of notice for respondents No. 6 and 7.

[K. K. SONAWANE]
JUDGE

rrd.