

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.9139/2014

**924 CIVIL APPLICATION NO. 9139 OF 2014
IN FAST/17369/2014**

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING DIVISION, KRASHNA KHORE
VERSUS
MANOHAR JAYRAM AMBAR AND OTHERS

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Advocate for Applicant : Shri Sangle Shirish G.
AGP for Respondent State: Mr. S.P.Sonpawale

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CORAM : P.R. BORA, J.
Dated: July 12, 2017
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PER COURT :-

1. Though respondent no.1 i.e. original claimant is duly served, has not entered appearance in the matter.
2. Heard Shri S.G. Sangale, learned Counsel appearing for the acquiring body and Shri S.P.Sonpawale, learned A.G.P., for respondent State.
3. Delay of 945 days has occurred in filing the present appeal. Learned Counsel submitted that in making procedural compliances i.e. obtaining sanction from the higher office, seeking legal opinion from the Law and Judiciary Department, procuring amount of Court fees, and procuring certified copy of relevant documents, time was consumed and that is the reason that the appeal could not be filed within the period of limitation. Learned Counsel submitted that substantial grounds are raised by the

agp/-

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acquiring body in challenge to the impugned judgment and award. Learned Counsel submitted that the Special Land Acquisition Officer had offered the compensation at the rate of Rs.650/- per Are which has been enhanced by the Reference Court to Rs.2500/- per Are. Learned Counsel submitted that the enhancement, apparently, is unreasonable. Learned Counsel submitted that since public money is involved, the appeal be heard on merits.

4. It cannot be ignored that the compensation, as has been enhanced by the Reference court, is four times more than the compensation offered by the Special Land Acquisition Officer, and also since public money is involved, the evidence, therefore, will have to be re-scrutinized and that is the reason, I am inclined to allow the present application. Hence, the following order:

ORDER

1. The Civil Application for condonation of delay is allowed. Delay caused in filing the application is condoned. The Appeal be registered in accordance with law. Civil Application stands disposed of.

(P.R. BORA, J.)

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