

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.10247/2016group

**914 CIVIL APPLICATION NO. 10247 OF 2016
IN FAST/18696/2016**

THE EXECUTIVE ENGINEER VISHNUPURI PROJECT DIVISION NO.1,
JANGAMWADI, NANDED NOW LENDI PROJECT DIV.
VERSUS
MALANGSAB MAHBOOB AND ORS

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Advocate for Applicants :Mr.Shaikh H.M.
AGP for Respondent State: Mr. S.M.Ganachari
Advocate for respondent no.1: Mr. G.N.Chincholkar

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WITH
CA/10244/2016 IN FAST/18938/2016
WITH
CA/10245/2016 IN FAST/18933/2016
WITH
CA/10246/2016 IN FAST/18978/2016
WITH
CA/10248/2016 IN FAST/18690/2016
WITH
CA/10249/2016 IN FAST/18692/2016
WITH
CA/10250/2016 IN FAST/18704/2016
WITH
CA/10251/2016 IN FAST/18699/2016
WITH
CA/10252/2016 IN FAST/18712/2016
WITH
CA/10253/2016 IN FAST/18710/2016
WITH
CA/10254/2016 IN FAST/18714/2016
WITH
CA/10255/2016 IN FAST/18943/2016
WITH
CA/10256/2016 IN FAST/18941/2016
WITH
CA/12928/2016 IN FAST/21389/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.10247/2016group

CORAM : P.R. BORA, J.

Dated: July 11, 2017

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PER COURT :-

1. In the present group of matters, delay of the period ranging between 1048 to 2047 days has occurred in filing the appeals by the acquiring body. Shri Shaikh, learned Counsel for the acquiring body, submitted that the delay has occurred because sanctions were to be obtained from different higher authorities and approval was also to be taken from the Law and Judiciary Department. Learned Counsel further submitted that in complying with the procedural requirements, the delay has been caused. The delay is unintentional. Learned Counsel submitted that the awards impugned in the present appeals are challenged only on the sole ground that the Reference Court has awarded interest under Section 34 of the Act from the date of notification instead of granting the same from the date of award. Learned Counsel submitted that majority amount has already been paid by the acquiring body to the claimants. Learned Counsel submitted that having regard to the substantial legal grounds raised by the acquiring body in exception to the impugned judgment, the appeals be heard on merits by condoning the delay.

2. Learned Counsel appearing for the respondent i.e. original claimants fairly submitted that if the challenge is only to the extent of grant of interest under Section 34 of the Act, the

agp/-

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(3)

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claimants do not have any objection to condone the delay and to hear the appeals on merits. Learned Counsel further requested that after condoning the delay, the matters be taken up for hearing today itself, and may be disposed of. In view of the submission so made, following order is passed:

ORDER

1. Delay caused in filing the appeals is condoned. Civil Applications for condonation of delay are disposed of.
2. The appeals be registered in accordance with law.
3. On registration of the appeals, issue notice to the respondents. Mr. G.N.Chincholkar, learned Counsel, waives service for respondent no.1. Learned A.G.P. waives service for respondent no.2. Service complete. List the matters for hearing immediately as undertaken by the parties.

(P.R. BORA, J.)

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