

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 8475 OF 2017
IN FAST/22548/2015 WITH CA/10005/2015 IN FAST/22548/2015 WITH
CA/10006/2015 IN FAST/22548/2015

DILIP ANKUSHRAO GHARE (DIED) THR LRS ARVIND AND ANR
VERSUS
THE EX. ENGINEER, M.I.W (LMI) DIVISION, LATUR AND ORS

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Advocate for Applicants : Mr. Kakade Deepak M.
Advocate for Respondent No.1 : Mr. R.C. Patil
AGP for respondent Nos. 2 and 3: Mr. P. G. Borade

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CORAM : V. K. JADHAV, J.
DATED : 30th JUNE, 2017

PER COURT:-

1. Heard.
2. Notice to the respondents, returnable on 28.7.2017. Learned counsel waives notice for respondent No.1 acquiring body and learned A.G.P. waives notice of respondent Nos. 2 and 3.
3. Heard both sides. For the reasons stated in the civil application No. 8475 of 2017, the same is allowed in terms of prayer clauses "a" to "c" and disposed of.
4. In civil application for condonation of delay, heard both sides. The learned counsel for the applicant acquiring body submits that due to administrative difficulties, the applicant acquiring body could not prefer appeal within limitation. Learned counsel for the respondent original claimant has not seriously raised any objection for condonation of delay.

5. In view of above and for the reasons stated in the civil application, I am satisfied that the applicant acquiring body was prevented from sufficient cause to prefer an appeal within limitation. Civil application is thus allowed. Delay of 786 days caused in filing first appeal is condoned. Civil application is disposed of.

6. In so far as civil application for stay is concerned, learned counsel for the applicant submits that the entire amount under award has been deposited before this Court. In view of the same, interim stay granted earlier stands confirmed. Civil application for stay is disposed of.

7. In first appeal, heard. Notice to the respondents, returnable on 11.8.2017.

8. Learned counsel waives notice for original claimants. Call for record and proceedings.

(V. K. JADHAV, J.)

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