

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

920 CIVIL APPLICATION NO. 12054 OF 2016
IN FAST/20790/2016

G.M.I.D.C. THR THE EXE ENGINEER, LATUR MEDIUM
PROJECTDIVISION, LATUR AND ANR
VERSUS
PANDURANG SHAMRAO LAKHANGAVE AND ANR

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WITH

CA/12057/2016 IN FAST/21068/2016

WITH

CA/12059/2016 IN FAST/21050/2016

WITH

CA/12063/2016 IN FAST/21079/2016

WITH

CA/12066/2016 IN FAST/21060/2016

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Advocate for Applicants : Mrs Bharaswadkar Patil Kalpalata

Advocate for Respondents : Mr V.D.Gunale

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CORAM : V.K. JADHAV, J.

Dated: March 08, 2017

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PER COURT :-

1. The learned counsel for the applicant-acquiring body submits that, present respondents claimants have preferred First Appeal No.193/2014 and other appeal against the judgment and award passed by the Reference Court and the Division Bench of this Court admitted said appeals by order dated 11.11.2014. Learned counsel submits that, the applicant GMIDC-acquiring body was not party in the original proceeding before the Reference Court and after obtaining leave of the Court on 13.8.2016, these appeals

have been preferred alongwith applications for condonation of delay. Learned counsel submits that, delay occurred on account of the same and there is no inaction or negligence on the part of the applicant-acquiring body.

2. Learned counsel for respondents original claimants strongly resisted the application on the ground that, delay has not been explained satisfactorily.

3. In view of the above submissions and particularly the appeals preferred by the respondents original claimants herein is admitted by the Division Bench of this Court in FA No.193/2014 and others, I am inclined to condone the delay in the present appeals. Furthermore, the applicant GMIDC was not party in the reference Proceedings and thus delay occurred in filing the appeal.

4. In view of the above, delay of 1070 days caused in filing the first appeals is hereby condoned. Civil applications are accordingly allowed and disposed of.

5. In appeals, issue notice to the respondents, returnable on 5.4.2017. Learned counsel waives notice for respondents-claimants.

6. Call Record and Proceedings.

(V.K. JADHAV, J.)

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