

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.10547/2016gr

**7 CIVIL APPLICATION NO. 10547 OF 2016
IN FAST/22254/2016**

WITH

CA/10548/2016 IN FAST/22254/2016

WITH

CA/10549/2016 IN FAST/22510/2016

WITH

CA/10550/2016 IN FAST/22510/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND ANR

VERSUS

GULCHAND PANDHARINATH MULE

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Advocate for Applicants : Mr.Karlekar Sujeet G.
Mr.Patil Laxmikant C., Advocate, for respondents.

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CORAM : P.R. BORA, J.

Dated: July 14, 2017

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PER COURT :-

1. Heard learned Counsel appearing for the acquiring body and the learned Counsel appearing for the respondents i.e. original claimants.

2. Delay of 1100 days has been caused in filing the present appeal by the acquiring body. It is contended that in making procedural compliances the delay has been caused and it is unintentional. It is submitted that substantial grounds are raised in the appeals and the appeals, therefore, need to be heard on merits.

agp/-

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3. Learned Counsel appearing for respondents i.e. original claimants opposed for condonation of delay stating that the same has not been sufficiently explained. He, therefore, prayed for rejection of the applications.

4. I have carefully considered the submissions made by the learned Counsel for the applicants and the learned Counsel appearing for respondents. It is true that the delay caused is of a huge period. It also apparently appears that the officers concerned were negligent in prosecuting the matter and in taking further steps for filing appeal within the stipulated period of limitation. However, the whole of the contentions raised in the applications cannot be rejected. The Special Land Acquisition Officer had offered the compensation for the acquired lands at the rate of Rs.130/- per Are and the same has been enhanced by the Reference Court to Rs.625/- per Are. Having regard to the rise given by the Reference Court in the market value of the acquired property, prima facie, it appears to me that the evidence adduced in the matters needs to be scrutinized. It cannot be forgotten that public money is involved. In the circumstances, I am inclined to allow the present applications. Hence, the following order:-

ORDER

1. Civil Applications for condonation of delay are allowed

agp/-

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and disposed of. Delay caused in filing the appeals is condoned.

2. The Appeals be registered in accordance with law.

3. On registration of the Appeals, issue notice to the respondents. Shri L.C.Patil, learned Counsel, waives service for respondents / original claimants. Service complete. Place the matters for admission after six weeks. Call for R & P.

4. The execution of the awards impugned in the present appeals shall stand stayed subject to deposit of entire amount under the awards along with the interest thereon in this Court by the acquiring body within twelve weeks from the date of this order.

Civil Applications for stay stand disposed of.

(P.R. BORA, J.)

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