

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.12306/2012gr

**925 CIVIL APPLICATION NO. 12306 OF 2012
IN FAST/23410/2012**

WITH

CA/12308/2012 IN FAST/23436/2012

WITH

CA/12310/2012 IN FAST/23432/2012

WITH

CA/12312/2012 IN FAST/23427/2012

THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION
VERSUS
THE STATE OF MAH AND ORS

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Advocate for Applicant : Mr.Bhosle Tatyasaheb
AGP for Respondent State: Mr. P.G.Borade
Advocate for Respondents : Mr. D.R.Jaybhar

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CORAM : P.R. BORA, J.
Dated: June 29, 2017

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PER COURT :-

1. Heard Shri Bhosale, learned Counsel appearing for the applicant i.e. the acquiring body. Delay of 1288 days has occurred in filing the present appeals by the acquiring body. Shri Bhosale, learned Counsel appearing for the acquiring body, submitted that after the award was passed on 8th of October, 2008, the application was immediately preferred for receiving certified copy of the said award on 14th of October, 2008, and the copy of the award was received on 28.11.2008. Learned Counsel further submitted that thereafter legal opinion was sought by the acquiring body

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from their Advocate which was received to them on 29th of March, 2011. Learned Counsel submitted that in seeking legal advice and then obtaining sanctions at different levels and for collecting certain documents and making arrangement for Court fees, etc., the time was consumed and that is the reason appeals could not be filed by the acquiring body within the stipulated period of limitation. Learned Counsel further submitted that substantial grounds are raised by the acquiring body in exception to the impugned judgment and, as such, the appeals filed by the acquiring body need to be decided on merits.

2. Shri Jaybhar, learned Counsel appearing for original claimants, has opposed for condonation of delay stating that the reasons which are assigned are insufficient to condone the delay. In the alternative, learned Counsel submitted that if the acquiring body shows its readiness to immediately argue the matter on merits, the original claimants may not have any objection to give an opportunity to the acquiring body to agitate its matters on merits. On such submission, Shri Bhosale was prompt enough in submitting that he is ready to argue the matters immediately without waiting for R & P. etc. on the basis of the averments

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in the judgment itself.

3. In view of the submissions so made, the Civil Applications for condonation of delay are allowed and disposed of. The delay caused in filing the appeals is condoned. The Appeals be registered in accordance with law. After registration of the appeals, issue notice to the respondents. Shri Jayabhar, learned Counsel, waives service for respondents in all these matters i.e. original claimants. Learned A.G.P. waives service for respondent State. Service complete.

List the present matters for final disposal at admission stage on 6th of July, 2017.

(P.R. BORA, J.)

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