

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO. 5331 OF 2015
IN FAST/23191/2014

EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION NO.1 DHULE
VERSUS
PRALHAD RAVAJI VANJARI AND ANOTHER

...
Advocate for Applicant : Mr. Vaishali Patil Jadhav
AGP for Respondents: Mr. S.R. Yadav

CORAM : K.K. SONAWANE, J.

DATE : 29th September, 2017.

PER COURT:

Heard learned counsel for the applicant. Despite service of notice to the sole respondent original claimant, none appears on his behalf. It has been submitted that the so called delay caused for filing the first appeal is not intentional and deliberate but caused due to compliance of procedural formalities. Hence, the learned counsel for the applicant prayed to condone the delay.

2] Learned AGP prayed to pass suitable orders in the interest of justice. As referred supra, none appears for the original claimant. Therefore, no opportunity is received to the respondent original claimant to put forth his case. However, in view of the attending circumstances as well as reasons mentioned in the application I do not find any impediment to allow the applicant/ Acquiring Body to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest of justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeal

against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal.

On registration of appeal, Issue notice to respondents returnable on 16.11.2017. Learned AGP waives notice for respondent No.2.

Meanwhile, call for R. & P.

S.O. to 16th November, 2017.

[K.K. SONAWANE]
JUDGE.

grt/-