

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

CIVIL APPLICATION NO.13863/2011 IN
FAST/25551/2011

The State of Maharashtra & others

VERSUS

Santosh Shaligram Nimbalkar & ors.

Shri S.S. Dande, A.G.P. for applicants
Shri A.B. Kale, Advocate for respondent

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CORAM: V.K. JADHAV, J.

DATED: 19th April, 2017.

ORAL ORDER :

1. Heard learned A.G.P. for the applicants/ State and learned counsel appearing for the respondents/ claimants.

2. Learned A.G.P. submits that, due to some administrative difficulties, the appeal could not be preferred within time and as such, the delay has been occurred. The learned A.G.P. submits that, the delay in filing the appeal is not intentional one and the applicants/ State has been prevented from sufficient cause to prefer the appeal within a period of limitation.

3. The learned counsel for the respondents/ original claimants submits that, the delay has not been explained satisfactorily by the applicants/ State. There is an inordinate delay in filing the appeal and

no details have been given in the application about the so called administrative difficulties. The learned counsel submits that, this Court, in First Appeal No.2745/2015 and other connected matters, already disposed of the appeals preferred by the original claimants seeking enhancement in the compensation as awarded by the Reference Court and this Court, by order dated 21/10/2015, in those appeals, awarded the compensation at the enhanced rate @ Rs.600/- per sq.mtr. for open piece of land and for house property. The learned counsel submits that, in view of the same, no purpose would be served if the delay is condoned.

4. In view of the submissions made on behalf of the applicant/ State and for the reasons stated in the application, the Civil Application seeking condonation of delay is hereby allowed.

(V.K. JADHAV)
JUDGE

fmp/ca13863.11