

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

1018 CIVIL APPLICATION NO. 3358 OF 2014
IN FAST/27040/2013
WITH
CA/3359/2014 IN FAST/27040/2013

THE EXECUTIVE ENGINEER, MEIUM PROJECT
DIVISION, OSMANABAD
VERSUS
RAMLING SHANKAR MALI, L.RS SUMANBAI AND
ANOTHER

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Advocate for Applicant : Mrs Dhongade Suresh D.
AGP for Respondents: Mr S G Karlekar
Advocate for Respondents :Deshmukh Prashant K.

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CORAM : V.K. JADHAV, J.
Dated: July 21, 2017

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PER COURT :-

1. Heard the learned counsel for the applicant.
2. Learned counsel submits that due to some administrative difficulties, the appeal could not be preferred within a period of limitation. There is no intentional delay and the applicant acquiring body was prevented from sufficient cause to prefer an appeal within limitation.
3. Learned counsel for respondent has resisted the application on the ground that, the delay has not been explained satisfactorily.

4. In view of the above submissions and for the reasons stated in the application, delay of 403 days caused in filing the appeal is hereby condoned. Civil application is accordingly allowed and disposed of.

5. In appeal, issue notice to the respondents, returnable on 15.9.2017. Learned counsel waives notice for respondents claimants and learned AGP waives notice for respondent State. Call Record and Proceeding.

6. Heard learned counsel for the applicant on stay application. The applicant is ready to deposit the entire amount under the award within 12 (Twelve) weeks from today. Thus, the effect, execution and implementation of the impugned judgment and award is hereby stayed on the condition that, the applicant shall deposit the entire amount covered under award alongwith interest, within 12 (Twelve) weeks from today, in this court, failing which, stay granted by this order, shall stand vacated automatically without further reference to the Court.

7. Civil application for stay accordingly disposed of.

(V.K. JADHAV, J.)

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