

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

932 CIVIL APPLICATION NO. 16404 OF 2016
IN FAST/26863/2016 WITH CA/16405/2016 IN FAST/26863/2016

THE MAHARASHTRA KRUSHNA VALLEY DEVELOPMENT CORPORATION,
THR ITS EXE ENGINEER, MEDIUM PROJECT
VERSUS
DASTGIR RASHID SHAIKH AND ORS

...
Advocate for Applicant : Mr. Anil M. Gaikwad
AGP for Respondents No. 2 and 3 : Mr. S.R. Yadav

...

CORAM : K.K. SONAWANE, J.

DATED : 19th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant and learned AGP for respondent No. 2 and 3. Despite service of notice none appears for respondents No. 1.

2. Perused the application. Present application is moved for condonation of 640 days delay caused in filing the first appeal against impugned judgment and award passed by the learned Reference Court in LAR No. 299 of 2013. According to applicant, exorbitant enhanced amount of compensation came to be awarded by the Reference Court in favour of original claimant. The delay caused in filing the appeal is not intentional or deliberate but it caused due to official process. He requested to condone the delay.

3. In view of aforesaid submissions and reasons mentioned in the application, I do not find any impediment to condone the delay.

Respondent No. 1 original claimant also remained absent even after service of notice. In such circumstances, the application deserves to be granted. Accordingly, the application for condonation of delay stands allowed in terms of prayer clause "A". The delay caused in filing the appeal against impugned judgment and award is hereby condoned. Registry to take requisite steps for further process.

4. On registration of appeal issue notice to respondents. Learned AGP waives service of notice for respondents No.2 and 3.

5. List the matter for admission in due course.

[K. K. SONAWANE]
JUDGE

MTK.