

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

CIVIL APPLICATION NO. 16677 OF 2016
IN FAST/27135/2016

THE CHIEF OFFICER MUNICIPAL COUNCIL, TULJAPUR
VERSUS
AJIT GANPATRAO KSHIRSAGAR AND OTHERS

...
Advocate for Applicant : Mr. K. K. Kulkarni.
Advocate for Respondent No.1 : Mr. V. V. Kabade.
AGP for Respondents No.2, 3 : Mr. S. S. Dande.
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CORAM : K.K. SONAWANE, J.

DATED : 10TH NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant- Acquiring Body and learned counsel for respondent No.1(original claimant) as well as learned AGP for respondent No. 3. Perused the application. The application pertains to the condonation of delay.
2. According to learned counsel for applicant-Acquiring Body, the delay of 273 days caused for filing First Appeal against impugned Judgment and Order passed by learned Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference No. 19 of 2013 dated 31-08-2013, is not intentional or deliberate, but it was caused due to compliance of official process. The learned Reference Court has granted compensation in exorbitant manner, therefore, he prayed to condone the delay by allowing the application.
3. The learned counsel for respondent-original claimant has no objection to condone the delay. The learned AGP also prayed suitable order in the interest of justice may be passed.
4. For the reasons stated in the civil application, the same is allowed in terms of prayer clause "B". The delay caused in filing the first appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

5. After registration of appeal, issue notice to the respondents.
6. Mr. Kabade, learned counsel for respondent No.1 and learned AGP for respondents No. 2 and 3 waives service for respective respondents.
7. Meanwhile call for record and proceedings from the concerned Reference Court.
8. List the same for hearing at the stage of admission in due course.
9. The civil application is allowed in aforesaid terms and disposed of.

[K. K. SONAWANE]
JUDGE

rrd.