

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

CIVIL APPLICATION NO. 13675 OF 2017 IN FAST/29498/2017

THE EXECUTIVE ENGINEER (CIVIL), CIVIL DIVISION, M.S.E.D.C.L.,
LATUR, TAL. AND DIST. LATUR.

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellants : Mr. S. S. Chillarge.

AGP for Respondents No. 1, 2 : Mr. S. R. Yadav-Lonikar.

Advocate for Respondent No. 3 : Mr. A. S. Shelke.

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CORAM : K.K. SONAWANE, J.

DATED : 15TH NOVEMBER, 2017.

Order :-

Heard learned counsel for applicant- Acquiring Body and learned AGP for respondent No. 1 and 2- State of Maharashtra and Special Land Acquisition Officer as well as learned counsel for respondent-original claimant.

2. This is an application for condonation of delay of 243 days for filing First Appeal against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition Reference No. 4 of 1994 dated 16-09-2016. The learned counsel for applicant- Acquiring Body contends that the so-called delay is not intentional or deliberate, but owing to compliance of official process. He added that the original claimant has also preferred First Appeal No. 416 of 2016 and same is listed today before this Court. In view of attending circumstances, he prayed to condone the delay.

3. Learned counsel for the respondent-original claimant raised objection and submits that delay caused for filing first appeal has not been satisfactorily explained and same may not be condoned. However, learned counsel insisted for direction to applicant- Acquiring Body to deposit decretal amount in this Court.

4. Learned AGP also prayed for suitable order in the interest of justice.

5. Having heard the contentions put-forth on behalf of both side and reasons mentioned in application as well as connected appeal filed by original claimant is still pending before this Court, there is no impediment to condone the delay. Accordingly, civil application stands allowed in terms of prayer clause 'B'. The delay caused in preferring First Appeal against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

6. After registration of appeal, issue notice to respondents. Mr. S. S. Chillarge, learned counsel, waives service of notice for respondent-original claimant. Learned AGP waives service of notice for respondents No.1,2 - State of Maharashtra and Special Land Acquisition Officer. The record and proceedings has already been received.

7. List the matter for admission on 4th December, 2017.

[K. K. SONAWANE]
JUDGE

rrd.