

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

9 CIVIL APPLICATION NO. 16680 OF 2010
IN FAST/32910/2010 WITH CA/16684/2010 IN FAST/32923/2010
WITH CA/16686/2010 IN FAST/32919/2010 WITH
CA/16709/2010 IN FAST/33317/2010 WITH CA/16714/2010 IN
FAST/32903/2010 WITH CA/16718/2010 IN FAST/33325/2010

GODAVARI MARATHWADA IRRIGATION
DEVELOPMENT CORPORATION
AURANGABAD

.. Applicant

VERSUS

PANDURANG SURYAKANT CHIMLE
AND ANR

..Respondents

...

Advocate for Applicant No.1 : Mr. R.D. Biradar
AGP for Applicant no.2 : Mr. S.M. Ganachari
Advocate for respondent : Mr. N.B. Ghute

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CORAM : P.R. BORA, J.
Dated: July 05, 2017

PER COURT :-

. Heard Shri. Biradar learned Counsel appearing for acquiring body and Shri. Ghute learned Counsel appearing for the respondent / original claimants. Delay of 517 days has occurred in filing these appeals by the acquiring body. It is contended that, in making the procedural compliances the time was consumed and that is the reason the appeals could not be filed within the period of limitation. The learned Counsel submitted that, reference Court has unreasonably enhanced the amount of compensation from Rs.403/-

per *Are* to Rs.1700/- per *Are* and as such, the appeals need to be heard on merits.

2. The learned Counsel for the respondents / original claimants opposed for condoning the delay stating that, the reasons which are assigned are insufficient to condone the delay. Though it appears that, the delay has caused in filing the appeal because of the negligence on the part of the officers concerned, the ground raised in the appeal as about unreasonableness in the amount of enhancement made by the reference Court cannot be wholly ignored. In view of the fact that, the public money is involved, the evidence needs to be rescrutinized and opportunity needs to be given to the acquiring body to agitate its matters on merits. Moreover, it is brought to my notice that, the companion matters have been admitted by this Court arising out of the same acquisition proceedings. In view of the above, the following order is passed.

ORDER

1. The delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil applications stand disposed of.

2. On registration of the appeals, issue notice to the respondents. Shri. N.B. Ghute waives service of notice for the respondents / original claimants. Service complete.

3. Place the appeals for admission after six weeks.

(P.R. BORA, J.)