

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

42 CIVIL APPLICATION NO. 16406 OF 2016
IN FAST/32927/2016

EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION
NANDED, NOW NANDED IRRIGATION DIVISIO
VERSUS
RAOSAHEB RAMCHANDRA MUSTAPURE

...

Advocate for Applicants : Mr.Surwase B.r.
Mr. Kiran M Nagarkar For R/sole.

CORAM : P.R.BORA, J.

DATE : 17th July, 2017.

PER COURT :

1) Heard learned Counsel appaering for applicant and learned counsel appearing for respondent.

2) Delay of 1613 days has occurred infiling the present appeal by the acquiring body. Shri Surwase, learned Counsel submitted that in making the procedural compliances, delay has been caused. The learned counsel submitted that substantial grounds are raised in exception to the impugned Award and the appeal, therefore, be

heard on merits.

3) Shri Nagarkar, learned counsel appearing for the respondent – original claimant, opposed for condoning the delay. The learned Counsel in the alternative submitted that if the learned Counsel appearing for the acquiring body is ready to argue the appeal today itself finally, the respondent claimant may not have any objection to condone the delay and hear the appeal on merits. The learned Counsel for the acquiring body promptly submitted that he is ready to argue the appeal on merits immediately.

4) In view of the above, following order is passed, -

ORDER

i) The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law;

ii) On registration of the appeal, issue notice to respondent. Shri Nagarkar waives

service on behalf of respondent;

iii) Civil Application for condonation of delay stands disposed of.

iv) The matter shall be placed for final disposal immediately.

(P.R.BORA,J.)

bdv/