

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

909 CIVIL APPLICATION NO. 15138 OF 2016

IN FAST/33373/2016

WITH

CA/15139/2016 IN FAST/33373/2016

WITH

CA/15140/2016 IN FAST/34271/2016

WITH

CA/15141/2016 IN FAST/34271/2016

WITH

CA/15142/2016 IN FAST/34261/2016

WITH

CA/15143/2016 IN FAST/34261/2016

WITH

CA/15144/2016 IN FAST/34220/2016

WITH

CA/15145/2016 IN FAST/34220/2016

WITH

CA/15146/2016 IN FAST/34276/2016

WITH

CA/15147/2016 IN FAST/34276/2016

WITH

CA/15148/2016 IN FAST/34225/2016

WITH

CA/15149/2016 IN FAST/34225/2016

WITH

CA/15152/2016 IN FAST/34248/2016

WITH

CA/15153/2016 IN FAST/34248/2016

WITH

CA/15156/2016 IN FAST/34254/2016

WITH

CA/15157/2016 IN FAST/34254/2016

WITH

CA/15158/2016 IN FAST/34266/2016

WITH

CA/15159/2016 IN FAST/34266/2016

WITH

CA/15162/2016 IN FAST/34230/2016

WITH

CA/15163/2016 IN FAST/34230/2016

THE EXECUTIVE ENGINEER, OSMANABAD MINOR
IRRIGATION DIVISION, OSMANABAD THR
CHANDRAKANT AND OTHERS

.. Applicants

VERSUS

SAUDAGAR CHANDRAKANT KHANDWE
AND ANOTHER

.. Respondents

...

Advocate for Applicants	:	Mr. S.C. Arora
Advocate for Respondents No.1 & 2	:	Mr. S.Y. Patil h/f Mr. V.B. Deshmukh

...

CORAM: P. R. BORA, J.

DATE : 22TH JUNE, 2017.

Per Court :

. Heard Shri. Arora, learned counsel for the applicants-
Acquiring Body and Shri. Deshmukh, learned counsel for respondent-
original claimant. Delay of 929 days has occurred in filing the present
appeals by the Acquiring Body. Shri. Arora submitted that, the
Reference Court has enhanced the amount of compensation
unreasonably. The learned Counsel submitted that, the Spl. Land
Acquisition Officer had offered the compensation @ Rs.675/- per Are,
whereas; the Reference Court has enhanced it to Rs.2666/- per Are
without there being any cogent and sufficient evidence. The learned
Counsel further submitted that, in obtaining sanctions at different
level and thereafter in procuring the amount for court fees and

collecting the document etc., 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, having regard to the fact that public money is involved, the opportunity be given to the acquiring body to agitate its matters on merits. Shri. Deshmukh, the learned Counsel appearing for the respondents i.e. original claimants has opposed for condoning the delay stating that, the reasons which are assigned are insufficient to condone the delay.

2. I have carefully considered the submissions made by the learned Counsel appearing for the respective parties. The reasons for causing delay are explained in para nos. 6 to 9 of the application. Having regard to the justification so given which according to me is acceptable one and further considering that the public money is involved, I am inclined to allow the present applications. Hence the following order.

ORDER

- (i) The applications are allowed.
- (ii) The delay caused of 929 days in filing the appeals by the Acquiring Body is condoned.
- (iii) Civil Applications stand disposed of.
- (iv) The appeals be registered in accordance with law. On registration of the appeals, issue notice to the respondents. Learned Counsel Shri. Deshmukh waives

notice for respondents-original claimants. Service Complete.

- (v) Place the matters for admission on 20.07.2017.
- (vi) Call for Record & Proceedings.

[P. R. BORA, J.]

ggp