

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

CIVIL APPLICATION NO. 16163 OF 2016 IN FAST/35383/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION, DIVISION NO.1
AURANGABAD AND ANOTHER
VERSUS
JANARDHAN LAXMAN TAYDE AND OTHERS

...
Advocate for Applicants : Smt. Ranjana D. Reddy.
Advocate for Respondents : Mr. A. M. Hajare.

...
WITH
CIVIL APPLICATION NO. 16165 OF 2016 IN FAST/35380/2016
CIVIL APPLICATION NO. 16167 OF 2016 IN FAST/35377/2016

...

CORAM : K.K. SONAWANE, J.

DATED : 25TH SEPTEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant-Acquiring Body and learned AGP for respondents – State authorities. Despite service of notice, none has caused appearance on behalf of respondents – original claimants.
2. The present applications are moved to condone the delay of 1155 days for filing First Appeal against the impugned Judgment and Award passed by the learned Reference Court, Vaijapur. According to learned counsel for applicant-Acquiring Body, the delay is not intentional and deliberate, but caused due to compliance of procedural formalities. Hence, he requested to condone the delay.
3. As referred supra, despite service of notice to the respondents, none appears on their behalf. Hence, no opportunity is received for hearing of respondents on this application.
4. I have considered the submissions canvassed on behalf of the applicant-Acquiring Body. Perused the applications and relevant documents produced on record.

5. Admittedly, the matters pertain to the land acquisition proceedings involving the public funds in these matters. According to applicant-Acquiring Body, the learned Reference Court awarded exorbitant market price in favour of respondent-original claimant/s in absence of any cogent evidence. In such circumstances, I do not find any impediment to condone the delay. In case, the delay is not condoned, no one individual would affect, but the public funds are at stake. Hence, civil applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused for filing First Appeals against impugned Judgment and Award is hereby condoned. Accordingly, civil applications are disposed of. The Registry to take requisite steps for further process.

5. On registration of appeals, issue notice of hearing of the appeals at the admission stage to the respondents- original claimants, in due course.

[K. K. SONAWANE]
JUDGE

rrd.