

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

**943 CIVIL APPLICATION NO. 2593 OF 2017
IN FAST/36939/2016**

GODAWARI MARATHWADA IRRIGATION
DEVELOPMENT CORPORATION THR
THE EXECUTIVE ENGINEER, JALNA AND
ANOTHER

.. Applicants

VERSUS

ANIL BHAGWAN KALE AND ANR

.. Respondents

...

Advocate for Applicant : Smt. Kalpalata Bharaswadkar Patil

...

WITH
CA/2595/2017 IN FAST/36939/2016

**CORAM : P.R. BORA, J.
Dated: July 18, 2017**

PER COURT :-

. This is an application seeking leave to appeal against the Judgment and Award passed in L.A.R. No.1940/2010. It is the contention that, the acquiring body was not party before the Reference Court. The another application is filed seeking condonation of delay, which has occurred in filing the present appeal. Delay caused is of 876 days. While considering the aforesaid applications, when I looked into the impugned Judgment and Award, it is noticed

that, in the impugned Award the amount of enhanced compensation in total is Rs.12,800/-. It appears to me that, acquiring body should not have indulged in filing the appeal in such a case after the period of more than two years. The objections raised in the present matter can be raised by the acquiring body in an appropriate case. I am, therefore, not inclined to allow any of these applications. Both the applications, thus stand rejected.

(P.R. BORA, J.)

ggp