

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 29 OF 2017
IN
CROSS OBJECTION (ST) NO. 21617 OF 2016
IN
FIRST APPEAL NO. 650 OF 2003

Anil M. Todkar .. Applicant/Org. Respondent No.2.

In the matter between the parties

The Executive Engineer .. Appellant

vs.

Mahibub I. Mulani and ors. .. Respondents

Mr. Dilip Bodake for the Applicant.

CORAM : M. S. SONAK, J.

DATE : 20 MARCH 2017.

P.C. :-

1] Mr. Bodake, learned counsel for the applicant, states that a copy of this civil application has been served upon Mr. Patil, learned counsel for the original appellant on 1 August 2016. He points out that there is an acknowledgement on the original.

2] Till date, no reply has been filed in the matter. The reasons set out in paragraphs 6,7 8 and 9, therefore, remain uncontroverted. That apart, the appeal is pending and by this civil application, the applicant seeks condonation of delay in filing cross-objections.

3] Taking into consideration the cause shown in the application, the delay is condoned. The cross-objection to be taken on record and will be considered, at the stage of final disposal of the appeal. Even otherwise, in terms of section 168 of Motor Vehicles Act, 1988, the duty to determine just compensation, is upon the Tribunal and the Appeal Court.

4] The civil application is disposed of accordingly.

(M. S. SONAK, J.)