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

913 CIVIL APPLICATION NO. 2754 OF 2012  
IN FAST NO. 2697/2012

GODHAVARI MARATHWADA IRRIGATION DEVELOPMENT  
CORPORATION, A'BAD  
VERSUS  
VASIMODDIN SK. MAHEBOOB AND ORS.

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Advocate for applicant: Mr. R.D. Biradar  
AGP for respondents No. 3 and 4: Mr. A.M. Phule  
Advocate for respondent No.2-A to 2-D: Mr.Y.P. Deshmukh and  
Mr.A.N. Patale

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**CORAM : V.L. ACHLIYA, J.**  
**DATED : 14<sup>th</sup> AUGUST, 2018.**

**PER COURT:-**

1. The applicant – appellant has moved this application for condonation of 388 days delay in filing the appeal against the impugned judgment and award passed by the Reference Court.
2. Heard the learned counsel for the applicant – appellant and learned counsel for respondent No.2 as well as learned AGP for respondents No.3 and 4.
3. Learned AGP waives service of notice for respondents No. 3 and 4. Mr. Y.P. Deshmukh learned counsel appears and submits that he has instructions to appear on behalf of respondent No.2-A to 2-D. He undertakes to file

*Vakalatnama* for respondents No.2-A to 2-D within one week.

4. In a nut-shell, it is the contention of the learned counsel for applicant that the delay caused in filing the appeal was not deliberate and intentional, but caused due to communication gap between the applicant and the lawyer representing the acquiring body as well as office of Govt. Pleader. He further submits that after receiving the knowledge of the award passed, the certified copy was obtained and the proposal to file appeal came to be forwarded to the Executive Director of the appellant – Corporation. After scrutiny of the proposal by the Legal Department, it was decided to file appeal. Accordingly, after receipt of instructions the appeal came to be filed. In filing the appeals delay of 388 days has been caused which, according to applicant, was not intentional but caused due to time spent in completing the procedural formalities. Learned counsel for applicant further submits that the applicant - appellant has a good case to succeed in appeal. In case, the delay is not condoned, there is every likelihood that the meritorious matter may be dismissed for technical reasons.

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5. On the other hand, the learned counsel representing the respondent/s – original claimant/s opposed the application with contention that no sufficient cause has been assigned to condone the delay.

6. Considering the submissions advanced in the light of overall facts of the case, the submissions advanced and the cause assigned to condone the delay, I am of the view that the sufficient cause has been made out to condone the delay. In case, delay is not condoned, there is every likelihood that meritorious matter may be dismissed for technical reasons. On the contrary, if the delay is condoned, no serious prejudice would be caused to the respondents. I am, therefore, inclined to allow the application. Accordingly the civil application is allowed. Delay condoned. Appeal be registered.

7. The Civil Application stands disposed of in above terms.

8. Place the Appeal for admission on 27.08.2018.

**(V.L. ACHLIYA, J.)**