

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

**905 CIVIL APPLICATION NO. 9335 OF 2014
IN FAST/4963/2014**

THE EXECUTIVE ENGINEER, MAHARASHTRA JIVAN PRADHIKARAN
WORK DEPARTMENT NO.1, LATUR

VERSUS

GURUNATH VEERPAKSHA GOKULE AND ANOTHER

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Advocate for Applicant : Shri Deepak P. Bakshi

AGP for Respondent - State : Shri A.M.Phule

Advocate for Respondent No.1A : Shri V.G.Kodale

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CORAM : P.R. BORA, J.

Date: September 06, 2018

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PER COURT :-

1 Learned Counsel for the applicant submitted that inadvertently the name of the legal heir of deceased claimant could not be taken on record, however, he will carry out the necessary amendment during the course of day. He is permitted to carry out the amendment accordingly.

2 Delay of 314 days has occurred in filing the present appeal. The learned Counsel for the applicant submits that all necessary parties were not added before the Reference Court and as such the said parties did not get opportunity to put-forth their respective cases. The learned Counsel further submits that there are other grounds also which needs consideration by this Court. The learned Counsel submits that delay is unintentional and for

bonafide reasons.

3 The learned Counsel appearing for the original claimant has opposed for condoning the delay stating that the reasons as are assigned in the application are false. The learned Counsel further submits that the Acquiring Body was adequately represented before the Reference Court also and as such the application be rejected.

4 After having considered the submissions advanced by the learned Counsel appearing for the respective parties, I am inclined to allow the present application so that the contentions of the applicant can be heard on merits. Hence, the following order:-

Order

- I) Civil Application is allowed.
- II) Appeal be registered in accordance with law.
- III) Civil Application No.9335 of 2014 stands disposed of.

(P.R.BORA)
JUDGE

SPT