

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

954 CIVIL APPLICATION NO. 4827 OF 2018
IN FAST/7932/2018 WITH CA/4828/2018 IN FAST/7932/2018
WITH CA/4829/2018 IN FAST/8074/2018 WITH CA/4830/2018
IN FAST/8074/2018 WITH CA/4832/2018 IN FAST/8069/2018
WITH CA/4833/2018 IN FAST/8069/2018 WITH CA/4835/2018
IN FAST/8058/2018 WITH CA/4836/2018 IN FAST/8058/2018
WITH CA/4837/2018 IN FAST/8062/2018 WITH CA/4838/2018
IN FAST/8062/2018

EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD

..Applicant

VERSUS

MANIK NARAYAN AMANWAR AND ANR

..Respondents

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Advocate for Applicant : Smt K.K. Teware;
Advocate for Respondent No.1 : Shri G.K. Sontakke;
AGP for Respondent No.2 – State: Shri P.G. Borade.

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CORAM : P.R. BORA, J.

Dated: September 25, 2018

PER COURT :

1. Heard the learned Counsel appearing for the respective parties.

2. Delay of 1591 days has occurred in filing the appeals by the Acquiring Body. The learned Counsel for the applicant submitted that, in making procedural compliances, delay has been caused. It is further contended that, the delay is unintentional and for bonafide reasons. The learned Counsel

further submitted that, the Acquiring Body has raised substantial grounds of objections in exception to the impugned Award. It is further contended that, SLAO has awarded the compensation at the rate of Rs.150/- per Are and the reference Court has enhanced it upto Rs.1100/- per Are. In the circumstances, the entire evidence needs to be rescrutinized.

3. The learned Counsel for the claimants though opposed for condoning the delay, in the alternative submitted for condoning the delay by imposing some cost on the Acquiring Body.

4. After having considered the submissions, the following order is passed.

ORDER

(i) The delay caused in filing the appeals is condoned subject to cost of Rs.3,000/- in each of the matter.

(ii) Appeals be registered in accordance with law.

(iii) Civil Applications for condonation of delay stand disposed of.

(iv) On registration of the appeals, issue notice to the respondents. Shri Sontakke waives service of notice for the original claimants. AGP waives notice for the respondent – State. Service complete.

(v) List all these appeals for further consideration after four weeks.

(PR. BORA, J.)

ggp