

(1)

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

**940 CIVIL APPLICATION NO. 14488 OF 2015
IN FAST/10365/2014**

THE EXECUTIVE ENGINEER (ARCHITECTURE), (BUILDING
ANDREPAIRS DIVISION), OSMANABA
VERSUS
MARIBA YADA INGOLE DECEASED THRO. LRS. ARUN MARIBA
INGOLE AND OTHERS

...

Advocate for Applicants : Mr. Mundhe Sanjay V.
AGP for Respondents: Mr. S.B. Narwade
Advocate for Respondent Nos.1(A) To 1(D) & 1(F) :
Mr. Karad h/f Mr. P. R. Katneshwarkar

...

**CORAM : P.R. BORA, J.
DATED : 30th OCTOBER, 2018.**

PER COURT:-

. Heard Shri Munde, the learned counsel appearing for the acquiring body and Shri Karad, the learned counsel appearing for the original claimants.

2. The delay of 1861 days has occurred in filing the appeal by the acquiring body. It is contended that since, the concerned office changed its location and thereafter there was no track with the matter and as such the judgment delivered in the said matter came to the notice of the acquiring body after quite a long time. The learned counsel submits that substantial grounds

(2)

are raised in exception to the impugned judgment. It is contended that when the SLAO had offered the compensation at the rate of Rs.661/- per R, the Reference Court has enhanced it to Rs. 4,670/- Per R.

3. The learned counsel for the claimants has resisted the application. The learned counsel submits that the reasons as are assigned are insufficient to condone the delay. The learned counsel further submits that the Trial Court has enhanced the market value to the tune of Rs. 2,839/- per R and not Rs. 4,670/- per R. The learned counsel in the circumstances has prayed for rejecting the application.

4. After having considered the submissions, it appears to me that an opportunity needs to be given to the acquiring body since it could not put its submissions before the Reference Court. Hence, the following order:

ORDER

- i) The delay of 1861 days caused in filing the appeal is condoned. The appeal be registered in accordance with law.

(3)

- ii) The Civil Application stands disposed of.
- iii) On registration of the appeal, issue notice to the respondents, returnable on 05.12.2018. The learned counsel Shri Karad waives notice for the original claimants. Shri S.B. Narwade waives notice for respondent-State. Service complete.
- iv) List the present appeal for disposal at the admission stage on 05.12.2018. Call record and proceedings.

(P.R. BORA, J.)

Mujaheed//