

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.5854/2016 IN FAST/12584/2016 WITH CA/5859/2016
IN FAST/12739/2016 WITH CA/5873/2016 IN FAST/12730/2016

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT MAJBUTIKARN
DIVISION, OMERGA AND ORS.

VERSUS

MARUTI SIDRAM CHENDKE DEAD THR. HIS L.R. LAXMIBAI MARUTI
CHENDKE

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Advocate for Appellants : Shri Karlekar Sujeet G.

Advocate for Respondents : Shri Kale Ajeet B.

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CORAM: V.L. ACHLIYA, J.

DATE: 09.08.2018

PER COURT :

1] Heard learned counsel for the applicants and the respondents.

2] The applicants – appellants has moved these applications for condonation of delay of 612 days in filing the appeals.

3] In brief, it is the contention of learned counsel for the applicants that the delay caused in filing the appeals was not intentional, but due to communication gap between the officials of acquiring body and Advocate representing the applicants. After the judgment and

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order passed by the Reference Court was brought to the notice of applicants, the certified copy of order was obtained. Thereafter, the proposal was sent for approval and sanction of funds. In complying with procedural requirements, much time was spent and in this background, learned counsel urged to consider the delay. In brief, it is the contention of learned counsel for the applicants that the delay was not deliberate.

4] Learned counsel for the respondent – claimants submits that in the facts and circumstances, the delay may be condoned.

5] Considering the overall facts of the case, the submissions advanced in the light of unchallenged pleadings and the cause assigned to condone the delay, I am of the view that a case is made out to condone the delay.

6] Accordingly, the applications are allowed and disposed of. Delay is condoned. Appeals be registered.

(V.L. ACHLIYA, J.)