

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

**978 CIVIL APPLICATION NO. 11476 OF 2016
IN FAST/13195/2016 WITH CA/11477/2016 IN
FAST/13195/2016 WITH CA/11478/2016 IN
FAST/13469/2016 WITH CA/11479/2016 IN
FAST/13469/2016 WITH CA/11480/2016
IN FAST/13463/2016 WITH CA/11482/2016
IN FAST/13463/2016**

EXECUTIVE ENGINEER, MEDIUM PROJECT,
OSMANABAD THR. GMIDC

..Applicant

VERSUS

NAMDEV TRIMBAK GAIKWAD

..Respondent

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Advocate for Applicant : Shri A.D. Wange
Respondent sole - Served

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CORAM : PR. BORA, J.

Dated: August 24, 2018

PER COURT :

1. The present applications are filed for condonation of delay, which has occurred in filing the First Appeals by the appellant – Corporation against the common judgment and award passed in LAR Nos.347 of 1997, 345 of 1997, 337 of 1997. The delay is ranging in between 1225 to 1228 days. Learned Counsel for the applicant – Corporation submitted that, the delay has occurred because of the procedural hurdles. The learned Counsel submitted that, the appellant-applicant being the Corporation, the necessary sanctions are to be obtained from

the Higher Officers and after obtaining the necessary legal opinion therefor and in making compliances, the delay has occurred. The learned Counsel further submitted that, the delay is unintentional and for *bonafide* reasons. The learned Counsel further submitted that, the appellant – Corporation has raised substantial grounds in exception to the awards impugned in the present first appeals and, therefore, prayed for condoning the delay, so that, the appeals can be heard on merits.

2. Though the respondents are duly served, none of them has entered appearance in the matter. However, the request made by the appellant – Corporation for condoning the delay is liable to be rejected for the only reason that, the appellant – Corporation had not even applied for certified copy of the impugned common award till 15.09.2015 though the impugned awards are passed on 11.09.2012. For making an application seeking certified copy, there need not be any legal opinion or there may not be necessity of seeking any sanction or consent from the higher authority. It seems that, the concerned Officers were too negligent in dealing with the matter. The delay committed for applying certified copy for the period

of 3 years reflects the casual approach of the concerned Officer. In view of fact that, the certified copy of the impugned common Judgment was not applied for three years, no ground is made out for condoning the delay. I am, therefore, not inclined to accept the request. The applications for condonation of delay, therefore, stand rejected. Consequently, the First Appeals on Stamp Numbers as well as Civil Applications for stay are also disposed of.

(P.R. BORA, J.)

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