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

73 CIVIL APPLICATION NO.16554 OF 2010
IN

FAST/14687/2010

WITH

CA/16550/2010 IN FAST/14368/2010 WITH CA/16551/2010
IN FAST/14368/2010 WITH CA/16552/2010 IN

FAST/14368/2010 WITH CA/16553/2010 IN

FAST/14687/2010 WITH CA/16555/2010 IN

FAST/14687/2010 WITH CA/16556/2010 IN

FAST/14817/2010 WITH CA/16557/2010 IN

FAST/14817/2010 WITH CA/16559/2010 IN

FAST/14817/2010 WITH CA/16560/2010 IN

FAST/14725/2010 WITH CA/16561/2010 IN

FAST/14725/2010 WITH CA/16562/2010 IN

FAST/14725/2010 WITH CA/16563/2010 IN

FAST/14665/2010 WITH CA/16564/2010 IN

FAST/14665/2010 WITH CA/16565/2010 IN

FAST/14665/2010

GODAVARI KHORE MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THROUGH EXECUTIVE E
VERSUS

SARJERAO RAMRAO SHIRSAT DIED TH LRS BHAGWAT
SARJERAO SHIRSAT AND ORS

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Advocate for Applicant : Mrs. Deshpande Geeta L
D R Jayabhar For R/1 & 2;

Mrs. SS Raut, AGP for Respondents:4.

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CORAM : P.R. BORA, J.

DATED : 24th SEPTEMBER, 2018.

PER COURT:-

1) Delay of 1890 days has occurred in filing these appeals by the acquiring body. Smt. Deshpande, learned counsel appearing for the acquiring body submits that the acquiring body was

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not made party before the Reference Court and as such, it did not get any opportunity to defend the Reference application so filed by the original claimants. The learned counsel further submitted that in similar matters, previously, this Court has not only condoned the delay, but has heard the appeals on merits thereafter and has remanded the matters to the Reference Court for deciding it afresh by giving due opportunity to the acquiring body. The learned counsel submitted that same course may be adopted in the present matters. The learned counsel has also filed applications seeking leave to file appeals.

2) Shri Jaybhar, learned counsel appearing for the respondents – original claimants, did not dispute the correctness of the facts, as are stated by the learned counsel for the acquiring body. The learned counsel for the original claimants conceded for condoning the delay.

3) In view of the above, following order is passed.

ORDER

i) The delay caused in filing the appeals is condoned. The Civil Application for condonation of

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delay stands disposed of;

ii) The application seeking leave to file an appeal is allowed and disposed of;

iii) The appeals be registered in accordance with law. On registration of the appeals, issue notices to the respondents.

iv) Learned AGP and learned Counsel waive service for respective respondents.

v) List the matters for further consideration on 26th September, 2018.

(P.R. BORA)
JUDGE

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