

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO. 12968 OF 2016
IN FAST/14267/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD THR GMIDC AURANGABAD
VERSUS

GAJARABAI SAHEBRAO NALWADE DIED THR LRS KAMALA
JANARDHAN KALONKHE AND ORS

...

Advocate for Applicant : Mr. Bhalerao Sudhir G.
Mr. Ingale Vivekanand V. , Adv.For Resp 1 to 6.;
Mrs. SS Raut, AGP for Respondents:7

CORAM : P.R.BORA, J.

DATE : 29th August, 2018.

PER COURT :

1. Heard Shri SG Bhalerao, learned counsel appearing for applicant appellant and Shri VV Ingale, learned counsel appearing for the respondent original claimants.

2. Delay of 1211 days has occurred in filing the present appeal by the acquiring body. Learned counsel for the applicant appellant submitted that in procedural compliances much time was consumed and that is the reason the appeal could not be filed within the period of

limitation. The learned counsel submitted that substantial grounds are raised in exception to the impugned Award and as such, an opportunity needs to be given to the acquiring body to prosecute its appeal on merits.

3. Shri Ingale, learned counsel has strongly opposed for condoning the delay. The learned counsel submitted that the reasons, as are assigned for huge delay of more than three years, are unjust and insufficient to condone the delay. The learned counsel alternatively submitted that the claimants may not have objection to condone the delay, if the counsel appearing for the applicant appellant undertakes to argue the appeal immediately after condoning the delay and after registration of the appeal.

4. The learned counsel for the appellant promptly submitted that he is ready to argue the appeal finally.

5. In view of the submissions so made, following order is passed, -

ORDER

- i) The delay caused in filing the appeal is condoned;
 - ii) Appeal be registered in accordance with law;
 - iii) After registration of the appeal, issue notice to the respondents.
 - iv) Shri Ingle, learned Counsel and learned AGP waive service for respective respondents. Service complete.
- . List the appeal for final hearing on 31st August, 2018.

(P . R . BORA)
JUDGE

bdv/