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

**CIVIL APPLICATION NO. 9926 OF 2016
IN
X-OBJ (ST) NO. 16817 OF 2015
IN
FIRST APPEAL NO. 641 OF 2015**

Chandar Bapu Kotwad (died)
Through L.Rs.
Smt. Jijabai Chandar Kotwad,
Age: 65 years, Occ: Household,
R/o. Harangul (Bk.),
Tq. and Dist. Latur & ors ..APPLICANTS

VERSUS

The Maharashtra Industrial
Development Corporation
Through Regional Manager/Officer
Division at Latur & ors ..RESPONDENTS

Mr A.N. Irpatgire, Advocate for applicants;
Mr S.B. Bhosale, Advocate for respondent No.1;
Mr C.S. Kulkarni, A.G.P. for respondent No.2

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 26th JULY, 2018

ORAL ORDER :

Heard Mr. Irpatgire, learned Counsel
appearing for the applicants.

(2)

2. The applicants are before this Court seeking condonation of delay caused in filing cross objection. It is submitted by learned Counsel that the delay of 233 days caused in filing cross objection for just and bonafide reasons. Learned Counsel submitted that the applicants' only source was the agricultural land, which was acquired. Learned Counsel submitted that as the applicants were facing certain financial hardship, as such, were to obtain loan to meet the expenses and then in the appeal, filed by the respondent authorities, the order of deposit of amount was passed by this Court, as well as, this Court permitted the applicants to withdraw the amount.

3. Learned Counsel appearing for the applicants by inviting our attention to paragraph-5 submitted that after receipt of the amount, the applicants could make necessary arrangement for clearing of the dues and loan and for payment of the court fees. Thus, submission is, delay caused is for bonafide and unintentional reasons.

(3)

4. The application is opposed by respondent i.e. respondent No.1 acquiring body, who has preferred the appeal i.e. First Appeal No. 1802 of 2014 is pending for consideration.

5. Though the application is opposed, in view of the submissions of learned Counsel appearing for the applicants and for the reasons stated in the application, in our opinion, the applicants have made out a case by showing cause and reason to condone the delay. Accordingly, the application is allowed. The delay stands condoned.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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