

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

**907 CIVIL APPLICATION NO. 10438 OF 2016 IN
FAST/19428/2016 WITH CA/10440/2016 IN
FAST/19676/2016 WITH CA/10443/2016 IN
FAST/19646/2016 WITH CA/10444/2016 IN
FAST/19649/2016 WITH CA/10446/2016 IN
FAST/19655/2016 WITH CA/10450/2016 IN
FAST/19671/2016 WITH CA/10452/2016 IN
FAST/19621/2016 WITH CA/10456/2016 IN
FAST/19637/2016 WITH CA/10458/2016 IN
FAST/19640/2016 WITH CA/10460/2016 IN
FAST/19686/2016 WITH CA/10463/2016 IN
FAST/19606/2016 WITH CA/10466/2016 IN
FAST/19611/2016 WITH CA/10468/2016 IN
FAST/19617/2016**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DEPARTMENT, OSMANABAD AND ORS

..Applicants

VERSUS

NIVRUTTI DAJI KADAM DIED HIS LRS UDDHAV
NIVRUTTI KADAM AND ORS

..Respondents

...

Advocate for Applicants : Shri Ruturaj Patil;
Advocate for Respondents No.1 to 4 : Shri S.A. Wakure.

...

CORAM : P.R. BORA, J.

Dated: August 30, 2018

PER COURT :

1. Heard Shri Ruturaj Patil, the learned counsel appearing for the Acquiring Body and Shri S.A. Wakure, the learned counsel appearing for the respondents i.e. Orig. claimants in all these matters.

2. Delay of 926 days has occasioned in filing the appeals by the Acquiring Body. The learned Counsel for the Acquiring Body submitted that, in procedural compliances, the time was consumed and that is the only reason, the appeals could not be filed within the stipulated period of limitation. The learned Counsel submitted that, the delay occasioned is unintentional and for *bonafide* reasons. The learned counsel appearing for the respondents - Orig. claimants opposed for condoning the delay stating that, the reasons as are assigned are insufficient.

3. I have carefully perused the averments in the applications for condonation of delay. The reasons as are stated cannot be outrightly rejected. The delay does not appear to be intentional or for *malafide* reasons. I am, therefore, inclined to allow all these applications for condonation of delay. Hence, the following order.

ORDER

(i) The Civil Applications for condonation of delay are allowed.

(ii) Delay caused in filing the appeals is condoned. The appeals be registered in accordance with law. Civil Applications stand disposed of.

(iii) On registration of the appeals, issue notice to the respondents. Learned Counsel Shri Wakure waives notice for the respondents - claimants. Service complete.

(iv) List the present appeals for admission after four weeks.

(PR. BORA, J.)