

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

912 CIVIL APPLICATION NO.10179 OF 2018
WITH CA/10181/2018 WITH CA/10183/2018 WITH
CA/10185/2018 WITH CA/10187/2018 WITH CA/10189/2018
WITH CA/10191/2018 WITH CA/10193/2018 WITH
CA/10195/2018 WITH CA/10197/2018 WITH CA/10199/2018
WITH CA/10201/2018 WITH CA/10203/2018 WITH
CA/10206/2018 WITH CA/10208/2018 WITH CA/10210/2018
WITH CA/10212/2018 WITH CA/10214/2018 WITH
CA/10216/2018 WITH CA/10218/2018 WITH CA/10220/2018
WITH CA/10222/2018 WITH CA/10224/2018 WITH
CA/10226/2018 WITH CA/10228/2018 WITH CA/10230/2018
WITH CA/10232/2018 WITH CA/10234/2018

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
LATUR
VERSUS
VATCHALABAI VINAYAKRAO JADHAV

.....
Advocate for applicant: Mr.M.C. Swami
Advocate for respondent No.1: Mr. L.C. Patil
AGP for respondents No. 2 and 3: Mr. A.M. Phule
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CORAM : V.L. ACHLIYA, J.
DATED : 14th AUGUST, 2018.

PER COURT:-

1. The applicant/s – appellant/s have moved these applications for condonation of 346 days delay in filing the appeals against the impugned judgment and award passed by the Reference Court.
2. Heard the learned counsel for the applicants – appellants and learned counsel for respondent No.1 – original claimant/s as well as learned AGP for respondents No.2 and 3.

3. Learned AGP waives service of notice for respondents No. 2 and 3. Mr.L.C. Patil, learned counsel appears and submits that he has instructions to appear on behalf of respondent/s - original claimant/s. He undertakes to file *Vakalatnama* for respondent/s – claimant/s within one week.

4. In a nutshell, it is the contention of the learned counsel for applicant that the delay caused in filling the appeals was not deliberate and intentional, but caused due to communication gap between the applicants and the lawyer representing the acquiring body as well as office of Govt. Pleader. He further submits that after receiving the knowledge of the award passed, the certified copies were obtained and the proposal to file appeals came to be forwarded to the Executive Director of the appellant/s – Corporation. After scrutiny of the proposal by the Legal Department, it was decided to file appeals. Accordingly, after receiving instructions the appeals came to be filed. In filing the appeals 346 days delay has been caused which, according to applicant/s, was not intentional but caused due to time spent in completing the procedural formalities. Learned counsel for applicants further submits that the appellants have a good case to succeed in appeals. In case,

the delay is not condoned, there is every likelihood that the meritorious matters may be dismissed for technical reasons.

5. On the other hand, the learned counsel representing the respondent/s - claimant/s opposed the applications with contention that no sufficient cause has been assigned to condone the delay.

6. Considering the submissions advanced in the light of overall facts of the case, the submissions advanced and the cause assigned to condone the delay, I am of the view that the sufficient cause has been made out to condone the delay. In case, delay is not condoned, there is every likelihood that meritorious matters may be dismissed for technical reasons. On the contrary, if the delay is condoned, no serious prejudice would be caused to the respondent/s - claimant/s. I am, therefore, inclined to allow the applications. Accordingly the Civil Applications are allowed. Delay condoned. Appeals be registered.

7. The Civil Applications stand disposed of in above terms.

(V.L. ACHLIYA, J.)