

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 11875 OF 2016
IN
FIRST APPEAL (ST.) NO. 23733 OF 2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD AND ANR.
VERSUS
YESHWANT SHESHADRI DANGE DIED THROUGH LRS
AND OTHERS

...
Mr. S.G. Karlekar, Advocate for applicants
Mr. R.A. Deshmukh, Advocate for respondents 1A and 1B
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 11-04-2018

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for the applicants states that delay has occurred under the circumstances referred to in the contents of the application. He further submits that in the first appeals preferred by other claimants in respect of acquisition of land for same project under same notification, delay has already been condoned and he refers to order dated 13-09-2017 passed by this court in civil application no. 6277 of 2015 in first appeal (st.) no. 13343 of 2015. He submits that present appeal is also in respect of land acquisition reference which had been decided along with

group of land acquisition references concerning first appeal (st.) no. 13343 of 2015 and other first appeals. He, therefore seeks indulgence of this court to condone delay.

3. Learned counsel for respondents-claimants submits that it may not be said that delay is properly accounted for. However, he is not in a position to dispute the position that in respect of land acquired under the same project and decided by land acquisition reference court, enhancing the compensation, appeals have been preferred and are pending before this court. In the circumstances, it would be expedient to grant the application.

4. Accordingly, civil application is allowed. Delay is condoned. First appeal to proceed with.

[SUNIL P. DESHMUKH]
JUDGE

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