

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO. 12607 OF 2016
IN
FAST/24228/2016

GODAVARI MARATHWADA IRRIGATION
DEVELOPMENT CORPORATION,
THR ITS THE EXE ENGINEER
VERSUS
LIMBRAJ BABURAO LOKARE

WITH
916 CIVIL APPLICATION NO. 12608 OF 2018
IN
FAST/24531/2016

GODAVARI MARATHWADA IRRIGATION
DEVELOPMENT CORPORATION,
THR ITS THE EXE ENGINEER
VERSUS
PANDURANG GOVIND KHARABE

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Mr. P.S.Shinde, Advocate for applicant.
Mr. V.V.Ingle, Advocate for Respondent.

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CORAM: VL.ACHLIYA, J.
DATE : 08/08/2018

ORAL ORDER :

1. The applicants have moved these applications for condonation of delay in filing Appeal against the Award passed by the Reference Court.
2. Heard learned counsel for the applicants and respondents. Perused the Award passed by trial Court.
3. Learned counsel for the applicants submits that delay caused in filing appeal was not deliberate but caused due to procedural compliance to be made for filing appeal as well as arranging the funds

for payment of court fees. He submits that the amount of compensation awarded is more than five times the compensation assessed by Special Land Acquisition Officer. He further submits that the appellant has good case to succeed in appeal. In case delay is not condoned, serious prejudice would cause to the appellant. On the contrary, no serious prejudice would result to the respondent if delay is condoned as ultimately the appeal will be decided on merit.

4. Learned counsel for the respondent has no objection to condone the delay.

5. On due consideration of the submissions advanced though cause assigned, is not sufficient to condone the delay of 1466 days, but I am inclined to condone the delay to avoid that meritorious matter may be dismissed for technical reason. Since the compensation enhanced is more than five times, the matter requires consideration. I am, therefore, inclined to allow the application. Delay condoned. Appeal be registered.

[V.L.ACHLIYA]
JUDGE