

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4252 OF 2018
IN FAST/6823/2018

EXECUTIVE ENGINEER, M.I.W. JALGAON
VERSUS
YUVRAJ JAGAN DHOBBI AND ANR.

WITH
CA/4254/2018 IN FAST/6818/2018

WITH
CIVIL APPLICATION NO. 11347 OF 2017 IN FAST/24138/2017

EXECUTIVE ENGINEER, M.I.W. JALGAON
VERSUS
YAMUNABAI SHAMRAO CHOUDHARI (DEAD) THR LRS
KISHOR AND ORS.

WITH
CA/11357/2017 IN FAST/24131/2017

WITH
CIVIL APPLICATION NO. 11349 OF 2017 IN FAST/28279/2017

EXECUTIVE ENGINEER, M.I.W., JALGAON
VERSUS
MAHENDRASING MAKESING DESHMUKH AND ORS

WITH
CA/11335/2017 IN FAST/27962/2017;
CA/11337/2017 IN FAST/28248/2017;
CA/11339/2017 IN FAST/27444/2017;
CA/11341/2017 IN FAST/24135/2017;
CA/11343/2017 IN FAST/27450/2017;
CA/11351/2017 IN FAST/28419/2017;
CA/11353/2017 IN FAST/27405/2017;
CA/11355/2017 IN FAST/27453/2017;
CA/11559/2017 IN FAST/27447/2017;

...
Mrs. Vaishali D. Jadhav, Advocate for applicants in all CAs
Mr. R.P. Adgaonkar, Advocate h/f Mr. V.B. Patil, Advocate for
respondents-claimants
Mr. A.D. Namde, AGP for respondent-State
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 26-03-2018

ORDER :

1. Issue notice to the respondents in civil applications no. 4252 of 2018 and 4254 of 2018.
2. Notices in rest of civil applications have already been issued.
3. Mr. R.P. Adgaonkar, learned Advocate h/f Mr. V.B. Patil, learned Advocate waives notice for respondents-original claimants. Mr. Namde, learned A.G.P. waives notice for rest of respondents in all civil applications.
4. Heard learned counsel for parties by consent, forthwith.
5. Acquiring body is before this court seeking condonation of delay in preferring appeals.
6. It is contended that the land acquisition references in aforesaid matters, had been decided in 2016 enhancing

compensation excessively. It is further being drawn attention to that after decision had been rendered by reference court, the decision underwent consideration at many stages of getting opinion and taking a decision. Lot of intervening steps in the same had been involved from one officer to the other, from one section to the other, from one department to other department and one office to the other. Even arrangement for funds to prefer appeal/s had to be made. All this has caused delay in approaching the court. Delay has neither been deliberate nor intentional and delay, looking at the circumstances, would not be liable to be dubbed as inordinate.

7. Learned counsel for applicants further purports to point out that the matters involve merits.

8. All aforesaid contentions on behalf of the applicants, *although* are being opposed, yet, respondents are not in a position to challenge veracity of the contentions appearing in the applications.

9. It also appears that quite a few claimants are before this court against the very same award and their first appeals are pending.

10. In the circumstances, while the delay is sought to be reasoned out, veracity of which could not be challenged with efficacy, expediency requires the same should be given due.

11. As such, delay is condoned. Civil applications are accordingly allowed and are disposed of.

12. First appeals accordingly to proceed with.

[SUNIL P. DESHMUKH]
JUDGE

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