



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

CIVIL APPLICATION NO. 989 OF 2014

IN

FIRST APPEAL STAMP NO. 27816 OF 2013

EXECUTIVE ENGINEER, OSMANABAD

MINOR IRRIGATION DIVISION

VS.

BHANUDAS GOVIND BHADARE AND OTHERS

...

Advocate for Applicant : Mrs. Biradar Meera T.

Advocate for Respondents : Mr. Pravin B. Rakhunde

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 27th MARCH 2025

PER COURT :

1. The Applicant is challenging the judgment and award dated 07.01.2013 passed by the Reference court. There is delay of 176 days. The grounds for condoning the delay are mentioned in Paragraph Nos. 3 to 5 of the Application. Learned Counsel for the Applicant submits that there are no malafides in presenting the appeal belatedly.

2. Learned Counsel Mr. Rakhunde appearing for Respondent/ Claimant submits that though original claimant died, he has filed application giving intimation to the Applicant to bring legal heirs of deceased claimant on record. He is representing the heirs of deceased

claimant. He would oppose the Application for condonation of delay as the delay is deliberate and inordinate.

3. I have gone through Paragraph Nos. 2 to 5. I do not find any reason to disbelieve the averments of the Application. The Applicant is Acquiring Body. The delay appears to be unintentional. I am inclined to condone the same.

4. Civil Application is allowed in terms of prayer clause 'B'.

5. Office is directed to restore the First Appeal forthwith.

**SHAILESH P. BRAHME
JUDGE**

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