

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

CIVIL APPLICATION NO. 15668 OF 2016
(delay)
IN
FIRST APPEAL [STAMP] NO. 31331 OF 2016

Executive Engineer,
Nimna Dudhna Project, Sailu,
now Executive Engineer,
Aurangabad and another .. Applicants

vs

Balasaheb Mohan Pawar and ors. .. Respondents

Mr. B. R. Surwase, Advocate for applicants
Mr. A. P. Ghule Patil, Advocate for respondents

CORAM : SUNIL P. DESHMUKH, J.
DATE : 27th February, 2018

ORDER :

1. Heard learned counsel for the parties.
2. This is an application seeking condonation of delay in filing first appeal.
3. Learned counsel appearing on behalf of applicants states that applicants had not been made party in the proceedings in the land acquisition reference bearing no. 73 of 2010 by present respondents filed before the reference court - Civil Judge, Senior Division, Newasa and as such the applicants had not been aware of

said proceedings. Subsequently, order in said proceedings had been brought to applicants' notice and thereafter legal opinion had been sought. After getting advice that decision in the land acquisition reference proceedings would be required to be challenged, the applicants have filed present appeal. The higher officials had decided to take steps to challenge the order. Accordingly application for leave to appeal had been filed along with memo of first appeal as well application for condonation of delay.

4. Learned counsel submits that under these circumstances, delay has been caused and same is not deliberate nor intentional. In view of the same, it is requested to grant the application and condone delay.

5. Learned counsel for respondents, though opposes the application, has not been in a position to dispute veracity of the claims made under the application.

6. Having regard to aforesaid, it is deemed expedient to grant the application.

7. Accordingly, civil application is allowed in terms of prayer clause (B) and is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd/-