

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

21 CIVIL APPLICATION NO. 1460 OF 2018
IN FAST/41716/2017
WITH CA/1461/2018 IN FAST/41852/2017
WITH CA/1463/2018 IN FAST/41855/2017

THE EX. ENGINEER, STRENGTHENING DIVISION, OMERGA AND ORS
VERSUS
SAMBHAJI DHARMA CHAUDHARI (DEAD) THR LRS SHANKAR AND
ORS

...
Advocate for Applicants : Mr. Patil Ruturaj C.
AGP for co-applicants : Mr. R.B. Bagul
Advocate for Respondents : Mr. Sontakke Gajanan K.
...

CORAM : SUNIL K.KOTWAL, JJ.

DATE : SEPTEMBER 10, 2018

ORDER :

These applications are for condonation of delay of 1146 days caused in filing the appeals.

2. Heard, learned counsel and learned AGP for applicants and Smt. Sontakke, learned counsel for respondents.

3. The learned counsel for applicants submits that impugned award was passed on 8.7.2014 and applications for certified copies were filed on 9.9.2014. Copy was received on 4.10.2014. Thereafter the panel Advocate moved concerned Sub-Division for allotment of Court fees amount on 11.11.2014. However, due to closure of certain Sub Divisions, at last court fees amount was received in the month of October, 2017 and

Advocate deposited the same in the court on 3.10.2017 and thereafter the appeals are preferred.

4. He submits that appeals are filed on 21.12.2017. Therefore, there is no intentional delay but the delay was caused on account of closure of various Sub Divisions of the Acquiring Body.

5. Learned counsel for respondents objected for condonation of delay on the ground that it is not properly explained. The acquiring body is the Government Agency and the learned counsel for acquiring body had to move to various authorities for obtaining necessary sanction and specially for allotment of funds. The above referred datewise particulars are given explaining the delay of 1146 days in filing the appeal. Considering the interest of public at large and to give fair opportunity to the applicants to get the matter adjudicated on merits, the delay of 1146 days is condoned.

6. Appeals be registered.

7. Civil applications are disposed of.

[SUNIL K.KOTWAL, J.]

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