

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

949 CIVIL APPLICATION NO.10992 OF 2018
IN FAST/1138/2018

WITH

CA/10962/2018 IN FAST/962/2018 WITH CA/10964/2018 IN
FAST/962/2018 WITH CA/10965/2018 IN FAST/962/2018 WITH
CA/10967/2018 IN FAST/1131/2018 WITH CA/10968/2018 IN
FAST/1131/2018 WITH CA/10969/2018 IN FAST/1131/2018
WITH CA/10970/2018 IN FAST/1106/2018 WITH CA/10971/2018
IN FAST/1106/2018 WITH CA/10972/2018 IN FAST/1106/2018
WITH CA/10973/2018 IN FAST/1119/2018 WITH CA/10974/2018
IN FAST/1119/2018 WITH CA/10975/2018 IN FAST/1119/2018
WITH CA/10976/2018 IN FAST/1091/2018 WITH CA/10977/2018
IN FAST/1091/2018 WITH CA/10978/2018 IN FAST/1091/2018
WITH CA/10979/2018 IN FAST/1112/2018 WITH CA/10980/2018
IN FAST/1112/2018 WITH CA/10981/2018 IN FAST/1112/2018
WITH CA/10982/2018 IN FAST/1097/2018 WITH CA/10983/2018
IN FAST/1097/2018 WITH CA/10984/2018 IN FAST/1097/2018
WITH CA/10985/2018 IN FAST/1086/2018 WITH CA/10986/2018
IN FAST/1086/2018 WITH CA/10987/2018 IN FAST/1086/2018
WITH CA/10988/2018 IN FAST/1101/2018 WITH CA/10989/2018
IN FAST/1101/2018 WITH CA/10990/2018 IN FAST/1101/2018
WITH CA/10991/2018 IN FAST/1138/2018 WITH CA/10993/2018
IN FAST/1138/2018 WITH CA/10994/2018 IN FAST/1126/2018
WITH CA/10995/2018 IN FAST/1126/2018 WITH CA/10997/2018
IN FAST/1126/2018

THE G.M.I.D.C, AURANGABAD THR THE EX. ENGINEER (P.T AND
MIW NO.1) OSMANABAD AND O

VERSUS

VILAS RAMCHANDRA MANE

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Advocate for Applicants : Mr.Tandale P.R.
Mr. Vivekanand B. Deshmukh, Adv For R/sole (caveator)

CORAM : P.R. BORA, J.

DATED : 8th January, 2019.

PER COURT:-

1. Godavari Marathwada Irrigation
Development Corporation has preferred these
appeals. Since some delay has occurred in filing
the appeals, civil applications are filed seeking

(2)

condonation of delay, which has occasioned in filing the appeals. Another civil applications are filed seeking leave to file appeals since the Corporation was not made party in the reference court.

2. Delay of 1575 days has occurred in preferring the appeals by the Corporation. Shri Tandale, learned counsel appearing for the appellant corporation submitted that since the appellant corporation was not made party in the name of the Corporation in the Reference Court, it was not appropriately represented and as such, leave needs to be granted to prosecute the appeals on merits.

3. Learned Counsel Shri Deshmukh is appearing in four matters for the respondents, i.e. original claimants. In other matters though the respondents are duly served, none of them has caused appearance in the matter. Shri Deshmukh has opposed for condoning the delay, which has occasioned in filing the appeals and also for granting leave to appeals to Corporation stating that the appellant - Corporation was duly represented through the learned Government Pleader.

4. After having considered the submissions, it appears to me that the Corporation was liable to be made party in the name of the Corporation in the Reference Court. In the circumstances, leave needs to be granted and if the delay has occasioned mainly on that ground, the same also deserves to be condoned. Hence, the following order, -

ORDER

i. The civil applications seeking leave to file appeals are allowed and disposed of.

ii. The applications seeking condonation of delay also allowed and disposed of.

5. The appeals be registered in accordance with law. On registration of the appeals, issue notices to the respondents, returnable after four weeks.

6. Learned Counsel Shri Deshmukh submits that he has instructions to appear for the respondents i.e. original claimants in all the matters and he will file his Vakalatnama within a period of four weeks. Service complete.

7. List the appeals for further consideration on 11th February, 2019.

(4)

8. Heard the learned counsel on CA for stay. Execution of the Awards impugned in the present appeals shall stand stayed subject to deposit of the entire amount under the said Awards along with the interest accrued thereon by the acquiring body in this court within a period of four weeks. Civil Applications for stay stand disposed of.

(P.R. BORA)
JUDGE

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