

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

**CIVIL APPLICATION NO.1331 OF 2018
IN FAST/1999/2018 WITH CA/1329/2018 IN FAST/1981/2018**

**EXECUTIVE ENGINEER, BEED IRRIGATION DIV. BEED UNDER
GMIDC, AURANGABAD AND ANOTHER
VS
BABU MUKTAJI DUTAL**

Mr.B.R.Surwade, Advocate for the applicants
Mr.S.S.Manale, Advocate for respondent

**CORAM : SUNIL P. DESHMUKH &
S.M. GAVHANE, JJ.**

DATE : 26.07.2019

P.C. :-

. Applications are heard with the consent of the parties. There is delay of 463 days in filing the first appeal. Applicant refers to contents of application and states that in these circumstances delay has been explained satisfactorily.

2. Though learned counsel for the respondent/claimants purports to resist, veracity of the contents of the application is not over come by production of any credible material. In the circumstances, having regard to the decisions in the case of *Collector, Land Acquisition, Anantnag Vs Ms. Katiji and others* reported in *AIR 1987 SC 1353* and in the case of *Esha Bhattacharjee Vs Managing Committee of Raghunathpur Nafar Academy and others* reported in (2013) 12 Supreme Court Cases

(2)

ca1331.18

649, we deem it expedient to condone the delay. Civil applications accordingly are allowed in terms of prayer clause-B and are disposed of.

[S.M. GAVHANE, J.]

[SUNIL P. DESHMUKH, J.]

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