

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

**977 CIVIL APPLICATION NO.3954 OF 2019
IN FAST/5325/2019**

**THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, OSMANABAD
VERSUS**

VIJAYSINH NARAYAN GHUTE AND ORS

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Advocate for Applicant : Mr. Mundhe Shrimant
AGP for Respondents/State : Mr. S.P. Deshmukh
Advocate for Respondent No.1 : Mr. M.P. Tripathi

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13th SEPTEMBER, 2019.

ORDER :

. Present application has been filed for getting the delay of 1337 days condoned in filing first appeal. The acquiring body intends to challenge the judgment and award passed by the learned reference Court dated 19.03.2015.

2. Learned Advocate appearing for respondent No.1-original claimant has strong objection to allow the application on the ground that whatever reasons have been mentioned are not sufficient and reasonable and has not been properly explained.

3. At the outset, it can be seen that though the judgment and award passed on 19.03.2015, it appears that the certified copy was applied for the first time on 21.04.2018. It is stated that the information about the judgment and award itself was received belatedly. The learned Advocate appearing for the appellant submits that the Advocate who was representing the acquiring body before the reference Court had not even communicated about the decision in the matter even till today. After the claimant had approached the acquiring body for compensation, it was realized that the judgment and award is passed. It is also submitted that the concerned Advocate has been removed from the panel of the acquiring body. It can be therefore seen from those submissions that a reasonable ground has been shown for as to why the certified copy was applied belatedly and therefore, after taking liberal view, the delay deserves to be condoned and accordingly, delay stands condoned.

4. Civil Application stands allowed and disposed of accordingly.

5. Registry to verify and register the first appeal and place it for further consideration on 13.12.2019.

(SMT. VIBHA KANKANWADI, J.)

SCM