

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

**966 CIVIL APPLICATION NO.6220 OF 2014
IN FAST/5466/2014**

**THE G.M.I. DEVELOPMENT CORPORATION
VERSUS
RAJARAM NIVERTI AMBHURE AND ORS**

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Advocate for Applicant : Mr. Hiraji T. Gaikwad
Advocate for Respondent No.1 : Mr. V. D. Bhise

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**CORAM : P.R. BORA, J.
DATED : 25th FEBRUARY, 2019.**

PER COURT:-

. The delay of 2114 days has occurred in filing the appeal by the acquiring body. The reasons as are stated in the application suggests that in making procedural compliances, the delay has occurred in filing the appeal.

2. The learned counsel for the respondent i.e. original claimant has strongly opposed for condoning the delay stating that the reasons as are assigned are insufficient to condone the delay and has prayed for rejecting the application. In the alternative it is submitted that if the acquiring body is ready to conduct the appeal immediately since, the acquisition is of the year prior to

1999, the appeal be immediately taken up for hearing.

3. I have gone through the contents of the application. Though it appears that the delay of huge period has occurred, it is discernible that the officers who were cast with the responsibility were totally negligent in prosecuting the matter. The opportunity, therefore, needs to be given to the acquiring body to prosecute the appeal on merit. Hence, I am inclined to allow the present application with a rider that the appeal is to be immediately argued by the counsel for the acquiring body. Hence, the following order is passed:

ORDER

- i) The application is allowed.
- ii) The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law.
- iii) The civil application stands disposed of.
- iv) After registration of the appeal, issue notice to the respondents. The learned counsel Shri Bhise waives notice for respondent no.1 i.e. original claimant. Service complete.

(3)

v) The appeal be immediately placed for hearing.

(P.R. BORA, J.)

Mujaheed//