

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

**1064 CIVIL APPLICATION NO.6212 OF 2014
IN FAST/5470/2014**

**THE G.M.I. DEVELOPMENT CORPORATION.
VERSUS
NANDU TRIMBAK AMBHURE AND OTHERS**

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Advocate for Applicant : Mr. Gaikwad Hiraji T.
Advocate for Respondent No.1 : Mr. Vitthal D. Bhise
AGP for Respondent No.2 and 3 : Mr. S.P. Deshmukh

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 5th JULY 2019

ORDER :

. The delay of 2264 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 is 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.
- v) The appeal be immediately placed for hearing.

(Smt. Vibha Kankanwadi, J.)

Shubham/