

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

26 CIVIL APPLICATION NO. NO. 8296 OF 2018
IN FAST/7070/2018

EX. ENGINEER, IRRIGATION DIV. OSMANABAD, THROUGH EXECUTIVE
ENGINEER OSMANABAD MEDIUM PROJECT DIVISION
VERSUS
TANAJI IRAPPA LANDAGE AND ANR.

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Advocate for Applicant : Mr. Sangle Shirish G.
Advocate for Respondent No.1 : Mr. L.C. Pati.
A.G.P for Respondent No. 2 : Mr. S.P. Deshmukh.

CORAM : MANGESH S. PATIL, JJ.

DATE : 13/11/2019

PER COURT :

Heard both the sides.

2. There is a delay of 1392 days in preferring the appeal by the Acquiring Body challenging the judgment and award passed by the Reference Court under the Land Acquisition Act.

3. The learned advocate for the respondent No. 1/original claimant opposes the application.

4. Since the award would carry interest at an alarming rate, the Acquiring Body was not to gain anything by allowing the appeal to be lapsed by time.

5. Considering the grounds mentioned in the application, in the absence of any other ground to infer that the delay has been occasioned malafidely, it deserves to be condoned.

6. The Civil Application is allowed. The delay is condoned subject to payment of costs of Rs. 10,000/- (Rs. Ten thousand only) to the respondent No. 1/Claimant within a period of six weeks.

(MANGESH S. PATIL, J.)

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