

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

**20 CIVIL APPLICATION NO.4235 OF 2019
IN FAST/8239/2019**

**NIVRUTTI GANPATI MITAKARI (DIED) THR LRS INDUBAI AND ORS
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DEPARTMENT OSMANABAD AND
ANR**

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**Advocate for Applicants : More P P
Adv. Kutti Choudhary Chaitali R. For R/1**

...
**WITH CA/4233/2019 IN FAST/8717/2019
WITH CA/4237/2019 IN FAST/8728/2019**

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**CORAM : MANGESH S. PATIL, J.
DATE : 10.12.2019**

PC. :-

Heard both the sides.

2] The learned advocate for the original claimants strongly opposes the applications for condonation of delay. He submits that it has not been properly explained and the delays may not be condoned.

3] I have gone through the papers. It is trite that the State machinery shall not stand on a different footing while seeking condonation of delay. But then one cannot ignore the fact that since the acquiring bodies function with the aid of various Officers of different cadres and the files are to be processed from one to the other, it is but natural that such procedural formalities would result in some delays.

- 4] Pertinently there is nothing on record to demonstrate any *mala fides* on the part of the acquiring body to cause the delays.
- 5] The burden of interest at an alarming rate being carried by the acquiring bodies should in fact work as a deterrence for causing such delays.
- 6] In view of such state of affairs, the delays are condoned.
- 7] The Applications are disposed of

[MANGESH S. PATIL, J.]

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