

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

**934 CIVIL APPLICATION NO.6452 OF 2017
IN FAST/9113/2017**

THE EXECUTIVE ENGINEER, OSMANABAD IRRIGATION DIVISION,
OMERGA AND ORS
VERSUS
DAGDUBAI VAJJINATH KORE

...

**WITH
CA/6448/2017 IN FAST/8102/2017**

WITH

CA/6450/2017 IN FAST/9120/2017

...

Advocate for Applicant : Shri P.G.Rodge
AGP for Appellant State : Shri A.M.Phule
Advocate for Respondents in CA/6452/2017 & CA/6448/2017 :
Shri Bramhanand M. Dhanure

...

CORAM : P.R.BORA, J.

DATE: 6th February, 2019

PER COURT:-

1 Heard learned Counsel for the applicant Acquiring Body, learned AGP appearing for the State and learned Counsel appearing for the respondents.

2 Delay of more than 1000 days has occurred in filing these appeals. It is contended that in making procedural compliances the delay has been caused. The learned Counsel for the applicant submitted that the Reference Court has enhanced the amount of compensation by atleast 15 times of the compensation as was offered by the Special Land Acquisition Officer. The learned Counsel, in the circumstances, has prayed for giving an opportunity to the applicant - appellant to prosecute the appeals on merits.

3 The learned Counsel for the respondents – claimants has opposed for condoning the delay stating that the reasons as are assigned are insufficient to condone the delay. The learned Counsel, in the circumstances, has prayed for rejecting the applications.

4 After having considered the submissions made by the learned Counsel for the applicant more particularly with regard to the fact that the compensation as has been enhanced apparently appears to be on much higher side, I am inclined to allow the present applications so that appeals can be heard on merits. Hence, the following order is passed:-

ORDER

- I) The applications are allowed and disposed of.
- II) Delay caused in filing the appeals is condoned.
- III) Appeals be registered in accordance with law. After registration of the appeals, issue notice to the respondents, returnable on 20.03.2019.
- IV) Shri B.M.Dhanure, learned Counsel waives service of notice for respondents in Civil Application Nos.6452 of 2017 and 6448 of 2017.
- V) Call Record and Proceedings.
- VI) Stand over to 20.03.2019.

(P.R.BORA)
JUDGE