

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**989 CIVIL APPLICATION NO.7245 OF 2018
IN FAST/12054/2018**

THE EX. ENGINEER, MINOR IRRIGATION DIV. THR. MOHAN
BALIRAM KADE, SUB DIV. ENGINEER, OSMANABAD
VERSUS
MARUTI S/O NIVRUTI KADAM

...
Advocate for Applicant : Shri Shyam C. Arora
Advocate for Respondents : Shri S.B.Choudhary h/f.
Shri V.B.Deshmukh

...
WITH CA/7247/2018 IN FAST/12493/2018
WITH CA/7249/2018 IN FAST/12490/2018
WITH CA/7251/2018 IN FAST/12484/2018
WITH CA/7253/2018 IN FAST/12475/2018
WITH CA/7255/2018 IN FAST/12496/2018
WITH CA/7257/2018 IN FAST/12478/2018
WITH CA/7259/2018 IN FAST/12481/2018

...
CORAM : P.R.BORA, J.

DATE: 6th March, 2019

PER COURT:-

1 Heard Shri S.C.Arora, learned Counsel appearing for the
Acquiring Body and Shri S.B.Choudhary h/f. Shri V.B.Deshmukh
for respondents - claimants.

2 Delay of 980 days has occurred in filing these appeals by
the Acquiring Body. The learned Counsel submitted that for
making procedural compliances by the concerned officers, the
delay has occasioned and that is the main reason, the appeals

could not be filed within the period of stipulated limitation.

3 The learned Counsel for the respondents – claimants has opposed for condoning the delay. The learned Counsel submitted that delay of more than two years has not been appropriately explained.

4 After having considered the submissions made by learned Counsel appearing for the parties, it appears to me that though the delay seems to have been occurred because of negligence on part of the concerned officers, in view of the fact that public money is involved, opportunity needs to be given to the Acquiring Body to prosecute its appeals on merits. I am therefore, inclined to allow the present applications. Hence, the following order is passed:-

ORDER

- I) Applications for condonation of delay are allowed.
- II) Delay caused in filing the appeals is condoned.
- III) Applications for condonation of delay stand disposed of.
- IV) Appeals be registered in accordance with law.

V) After registration of appeals, issue notice to the respondents - claimants. Shri S.B.Choudhary h/f. Shri V.BDeshmukh, learned Counsel waives service of notice for respondents - claimants. Service complete.

VI) List the appeals for further consideration on 18.04.2019.

VII) Call Record and Proceedings.

(P.R.BORA)
JUDGE

SPT