

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

**20 CIVIL APPLICATION NO.7005 OF 2018
IN FAST/14534/2018**

THE EX. ENGINEER, STRENGTHENING DIV. OSMANABAD THR
OSMANABAD MINOR IRRIGATION DIV AND ORS
VERSUS
DINKAR SHAHURAJ JADHAV

...

Advocate for ApplicantS : Mr. R.C. Patil
Advocate for Respondent : Mr. Deshmukh Prashant K.
& Mr. D S Jadhav/party In Person

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**CORAM : P.R. BORA, J.
DATED : 18th FEBRUARY, 2019.**

PER COURT:-

. Heard Shri Ruturaj Patil, the learned counsel appearing for the applicants and Shri Deshmukh, the learned counsel appearing for the respondent.

2. The delay of 1789 days has occurred in filing the present appeal by the acquiring body. Shri Ruturaj Patil, the learned counsel appearing for the acquiring body submits that in making the procedural compliances the delay has occasioned. The learned counsel submitted that the delay is unintentional and for bonafide reasons. The learned counsel further pointed out that the amount of compensation enhanced in the present matter is

arbitrarily enhanced. The learned counsel pointed out that when the SLAO had awarded the compensation at the rate of Rs.190/- per R holding the land of the present respondent to be a dry land, the Reference Court has awarded the compensation at the rate of Rs.3,000/- per R holding the same to be fully irrigated land. The learned counsel in the circumstances submitted that an opportunity needs to be given to the acquiring body to prosecute its appeal on merits.

3. Shri Deshmukh, the learned counsel appearing for the respondent-claimant has opposed for condoning the delay stating that the huge delay of more than four years has not been appropriately explained.

4. After having considered the submissions, it appears to me that though the delay appears to be of a longer period, the reasons as are stated cannot be outrightly rejected. Moreover, considering the fact that the compensation as has been enhanced by the Reference Court is apparently many times more than the compensation as was offered by the SLAO, I find it necessary to give

opportunity to the acquiring body to prosecute its appeal on merits. Hence the following order:

ORDER

- i) The application is allowed.
- ii) The delay caused in filing the appeal is condoned. The appeal be registered in accordance with law.
- iii) The civil application stands disposed of.
- iv) After registration of the appeal, issue notice to the respondent. Shri P.K. Deshmukh waives notice for the respondent. Service complete.
- v) List the appeal for further consideration after six weeks.

(P.R. BORA, J.)

Mujaheed//