

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

**CIVIL APPLICATION NO.175 OF 2019
IN FAST/15573/2018**

The Executive Engineer,
Upper Penanga Project No.6, Nanded

... Versus ...

Prakash Dattatraya Kulkarni and others

...

Mr. A.D. Gadekar, Advocate for the appellant

Mr. M.D. Godhamgaonkar, Advocate for the respondent No.1

Mr. P.M. Kulkarni, AGP for the respondent Nos.2 and 3

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26th JULY, 2019

PER COURT :

1 Present application has been filed by the original respondent No.3 for getting delay of 777 days condoned in filing First Appeal.

2 The acquiring body intends to challenge the Judgment and Award dated 20.01.2016 in L.A.R. No.386/2010 passed by learned Civil Judge Senior Division, Bhokar, Dist. Nanded, whereby the compensation amount was enhanced by the reference Court.

3 The application has been strongly opposed by respondent No.1-
original claimant, on the ground that the delay is huge and inordinate and
has not been explained properly.

4 Heard both sides. Perusal of the reasons, those have been
mentioned in para Nos.2 and 3, it appears that much time has been
consumed by the authorities in seeking legal remedies and opinions as well
as sanctions. Financial arrangement was also required to be made and
therefore, taking into consideration the liberal approach, the delay deserves
to be condoned. Hence, following order.

ORDER

1 Application is hereby allowed.

2 Delay stands condoned.

3 Registry to verify and register the First Appeal and place it for
further consideration on 09.12.2019.

(Smt. Vibha Kankanwadi, J.)