

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

23 CIVIL APPLICATION NO.12778 OF 2019
IN FAST/19160/2019
WITH
CIVIL APPLICATION NO. 12780 OF 2019
IN FAST/19184/2019

EX. ENGINEER, IRRIGATION DEPARTMENT STRENGTHENING DIV.
OMERGA AND ORS
VERSUS
SATISH PANDURANG KULKARNI AND ORS

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Advocate for Applicants : Mr. Gaikwad Anil M.
Advocate for Respondents : Mr. Patil Laxmikant C.

CORAM : MANGESH S. PATIL, JJ.

DATE : 19/11/2019

PER COURT :

Heard both the sides.

2. The learned advocate appearing for the Acquiring Body submits that though there is a delay, it has been duly explained in the application. He further submits that the other references coming to this Court in the form of First Appeals have already been admitted and therefore the delay may be condoned.

3. The learned advocate for the respondents/claimants opposes the application. He submits that the delay has not been properly explained. The application may be rejected.

4. Though there is a delay, the application specifically refers to the circumstances which have resulted in causing the delay. It is unlikely that the Acquiring Body would carry a heavy burden of paying interest at an alarming rate and would still allow the appeal to be barred by limitation. At least there is no material to show that the delay has occasioned *mala fide*.

5. For the reasons mentioned in the application, the delay is condoned.

6. The Civil Applications are disposed of.

(MANGESH S. PATIL, J.)

mkd