

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**910 CIVIL APPLICATION NO.1813 OF 2017
IN FAST/20787/2016**

THE EXECUTIVE ENGINEER, L.M.P. DIVISION, LATUR
VERSUS
BAPURAO KISHANRAO KAPSE AND ORS

Advocate for Applicant : Mr. Sonwalkar Vilas R.
Advocate for Respondents No.1 to 4 : Mr. V. V. Bhavthankar.
AGP for Respondent No.5 : Mr. P. M. Kulkarni.

**WITH CA/1815/2017 IN FAST/21034/2016
WITH CA/1818/2017 IN FAST/21005/2016
WITH CA/1820/2017 IN FAST/21010/2016
WITH CA/1821/2017 IN FAST/21014/2016
WITH CA/1824/2017 IN FAST/21026/2016
WITH CA/1826/2017 IN FAST/21002/2016
WITH CA/1828/2017 IN FAST/20986/2016
WITH CA/1830/2017 IN FAST/20996/2016
WITH CA/1832/2017 IN FAST/20989/2016
WITH CA/1834/2017 IN FAST/20999/2016
WITH CA/1836/2017 IN FAST/20993/2016
WITH CA/1838/2017 IN FAST/20981/2016
WITH CA/1840/2017 IN FAST/20969/2016
WITH CA/1842/2017 IN FAST/20966/2016
WITH CA/1844/2017 IN FAST/20957/2016
WITH CA/1846/2017 IN FAST/20963/2016
WITH CA/1848/2017 IN FAST/20952/2016**

**CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 25-06-2019.**

PER COURT :

1. Present applications have been filed for getting delay of 1263 in Civil Application No.1813 of 2017 and 1262 days in other applications condoned in filing first appeal.
2. The acquiring body intends to challenge the Judgment and award passed by learned Civil Judge, Senior Division, Latur dated 28-09-2012. It is submitted that, since the time was consumed for getting a certified copies, proposal to be sent to their own higher authorities and

then to get sanction from the Government and then making budgetary provision or financial provision to file the appeal.

3. Learned advocate holding for Mr. V. V. Bhavthankar for respondents No.1 to 4 submits that, the applications are vague. No specific reasons have been assigned for getting huge and inordinate delay. Specific dates have not been mentioned as to when the applicants came to know about the Judgment and award, when certified copies were applied, when the opinion of the higher authorities was sought and then proposal was sent for Government when the Government made, when the Government made budgetary provision and when the finance has been received.

4. Though all the details have not been mentioned with date, it can be seen that the date of application when the certified copy was applied is very much on the record. So also when it was received by the applicant is on record. It was only the dates of sending proposal and obtaining of sanction has not been given but the applicant was specific in stating what steps was taken by them. Under such circumstance taking into consideration the liberal approach that is required to be taken while dealing with the delay condonation application, the applications are allowed and disposed of accordingly. The delay in filing first appeal is hereby condoned.

5. Registry to verify and register the first appeal and place it for consideration on 04-11-2091.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-