

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

909 CIVIL APPLICATION NO.13204 OF 2016
IN FAST/27599/2016
WITH CA/13212/2016 IN FAST/27620/2016
WITH CA/13214/2016 IN FAST/27617/2016
WITH CA/13216/2016 IN FAST/27614/2016
WITH CA/13218/2016 IN FAST/27611/2016
WITH CA/13221/2016 IN FAST/27608/2016
WITH CA/13225/2016 IN FAST/27605/2016
WITH FA/2191/2017 WITH FA/2192/2017

THE EXECUTIVE ENGINEER, KUKADI LEFT BANK CANAL, SUB-
DIVISION, KOLWADI

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Applicant : Mr.Rajale Gulab B.

AGP for Respondent No. 1 : Mr.S.P. Deshmukh

Advocate for Respondent Nos. 2 and 3 : Mr. P.D.
Ghorpade, Mr.Shoyab Shaikh and Mr.A.A. Nimbalkar

...

CORAM : SUNIL K.KOTWAL, J.

DATE : 27th MARCH, 2019

O R D E R :

Heard learned counsel for applicants and
learned counsel for respondents/original claimants.

2. Learned counsel for claimants opposes this application on the ground that appellant has not deposited the entire compensation amount. He submits

that sufficient cause for condonation of delay is not assigned by the appellant/acquiring body. He placed reliance on the judgment passed by this Court in **"The State of Maharashtra v. Sukhdeo Vithoba Sable and Others"** [First Appeal No. 33635 of 2014 with Civil Application No. 5419 of 2015 and ors.

3. Learned counsel for acquiring body submits that in connected matters, delay is already condoned by this Court. He has placed on record the copy of order passed by this Court on 9.6.2017 in Civil Application No.13227 of 2016.

4. Learned counsel for acquiring body has pointed out that out of the deposited compensation amount, already the claimant has withdrawn 50% amount and therefore, non deposit of entire compensation cannot be agitated.

5. I have gone through the contents of the

applications. It emerges that applicant is a statutory corporation and before filing of appeal it has to obtain necessary sanction from different authorities and it has to wait for sanction of funds for the payment of Court fees.

6. Considering such peculiar hurdles, I hold that the applicant has proved sufficient cause for delay in filing the appeal. So also on the ground of parity, these applications deserve to be allowed, as in the connected matters, this Court has already condoned the delay.

7. Under the peculiar circumstances, the ratio of the order passed by this Court in Civil Application No. 13227 of 2016 needs no more consideration. Accordingly applications for condonation of delay are allowed in terms of prayer clause B.

8. Civil Applications are disposed of.

9. First Appeal (St) 27599 of 2016, 27620 of 2016, 27617of 2016, 27614of 2016, 27611 of 2016, 27608 of 2016 and 27605 of 2016 be registered.

10. Issue notices to respondents.

11. Learned AGP waives service of notice for respondent Nos. 1 & 2.

12. Shri Shoyeb Shaikh, learned counsel waives service of notice for respondent No. 3 .

13. Stand over to 10.7.2019.

[**SUNIL K.KOTWAL, J.**]

mahajansb/