

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1002 CIVIL APPLICATION NO.13201 OF 2016
IN FAST/27596/2016 WITH CA/13202/2016 IN FAST/27596/2016
WITH CA/13207/2016 IN FAST/27626/2016 WITH CA/13208/2016
IN FAST/27626/2016

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

VERSUS

THE STATE OF MAHARASHTRA AD ORS

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Advocate for Applicant : Mr. Rajale Gulab B.
Mr. AM Phule, AGP for Respondent-State.

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CORAM : P.R. BORA, J.
Dated: February 20, 2019

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PER COURT :-

1. Shri Rajale, learned counsel for applicant submitted that though respondent No.5 is reported to be dead, his legal heirs are already there on record.

2. Heard Shri Rajale. The respondents though are duly served, no one has caused appearance on their behalf. Delay of 1696 days has occurred in filing the present appeals by the acquiring body. It is brought to my notice that in connected appeals, this Court has already condoned the delay of similar period so as to give an opportunity to the acquiring body to prosecute its appeals on merits.

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3. It is also brought to my notice by Shri Rajale that the Reference Court has unreasonably enhanced the amount of compensation towards the trees though separate compensation has been enhanced for the acquired lands.

4. After having considered the submissions, as above and with a view to give an opportunity to the acquiring body to prosecute the appeals on merits, having regard to the fact that public money is involved, I am inclined to allow the present applications for condonation of delay. The applications are allowed. The delay caused in filing the appeals is condoned.

5. The appeals be registered in accordance with law. On registration of the appeals, issue notices to the respondents, returnable after six weeks. Learned AGP waives service for State and SLAO.

6. List the matters for further consideration on 28th February, 2019.

(P.R. BORA, J.)

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