

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

Civil Application No. 12646 of 2017
(In First Appeal Stamp No. 30029/2017)

District : Osmanabad

The State of Maharashtra,
Through the Collector,
Osmanabad
& 02 others.

.. Applicants
(Original
respondents)

versus

Pandurang s/o. Jagannathrao Patil
& 02 others

.. Respondents
(Original
claimants)

With

Civil Application No. 12648 of 2017
(In First Appeal Stamp No. 30144/2017)

District : Osmanabad

The State of Maharashtra,
Through the Collector,
Osmanabad
& 02 others.

.. Applicants
(Original
respondents)

versus

Goroba s/o. Maruti Jawale
& another.

.. Respondents
(Original
claimants)

With

Civil Application No. 12650 of 2017
(In First Appeal Stamp No. 30150/2017)

District : Osmanabad

The State of Maharashtra,
Through the Collector,
Osmanabad
& 02 others.

.. Applicants
(Original
respondents)

versus

Gopinath s/o. Vyankatrao Jawale

.. Respondent
(Original claimant)

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*Mr. A.M. Phule, Assistant Government Pleader, for
the applicants.*

Mr. R.V. Naiknaware, Advocate, for the respondents.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27TH JUNE 2019

ORAL ORDER :

01. Present applications have been filed for getting delay of 1246 days condoned in filing first appeals.

02. Present applicants were original respondents, who intend to challenge the judgment and award dated 10-01-2014 passed by learned Civil Judge (Senior Division) at Osmanabad, in L.A.R. No.601/2013, L.A.R. No.603/2013 and L.A.R. No.602/2013, respectively. In order to explain the delay, it has been contended that the certified copies were applied on 12-06-2014 and were received on 30-06-2014. The office of the Government Pleader

received the proposal on 14-10-2014. Thereafter, the appeal was drafted immediately. It is also stated that the applicants intend to challenge the award on the ground that there is exorbitant enhancement by the reference Court. It is contended that the delay is unintentional.

03. The applications have been strongly opposed by the respondents on the ground that the delay has not been properly and sufficiently explained.

04. At the outset, it can be said that in the applications, there is no mention as to why the certified copies were not obtained within a reasonable time after pronouncement of the judgment and award on 10-01-2014. It appears that the time has been taken in communication, for proposal, approval and budgetary sanction. Though a specific order was passed by this Court on stay applications on 09-10-2017, that the entire decretal amount should be deposited within 12 weeks, that amount has not been deposited, as yet. Learned Assistant Government Pleader submits that he has received written instructions, that arrangements are made by writing a letter dated 04/12-10-2018 to make available the amount of compensation and it would be available within a period of four weeks. Under such circumstance, the delay is required to be condoned. However, at the same time, respondents need to be

compensated in terms of money.

05. Hence, the following order :-

(a) The applications are hereby allowed.

(b) The delay caused in filing first appeals is hereby condoned, subject to deposit of costs of Rs. 500/- [Rupees five hundred] in each of the civil applications, within a period of one month from the date of this order. After the amount is deposited, it be disbursed to the respective respondents.

(c) After deposit of costs, as aforesaid, Registry to verify and register the first appeals and place them for further consideration on 20th August 2019.

(Smt. Vibha Kankanwadi)
JUDGE

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