

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

**CIVIL APPLICATION NO.3140 OF 2018  
IN FAST/31621/2017**

THE GMIDC THR THE EX. ENGINEER, MINOR IRRIGATION DIVISION,  
OSMANABAD AND ORS  
VERSUS  
MADRASBAI VISHWANATH DUDHBHATE

...  
Mr. A.M. Gaikwad, Advocate for applicants.  
Mr. P. S. Koshti and Mr. A.T. Ghute, Advocate for Respondent.

...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 11<sup>th</sup> OCTOBER, 2019.**

**ORDER :**

. Present application has been filed for getting the delay of 2152 days condoned in filing first appeal. Present application has been mainly filed by present applicant No.1 to whom leave to appeal has been granted today itself by separate order.

2. The application has been strongly opposed by the respondent/ original claimant on the ground that there is huge and inordinate delay.

3. Important point here in this case is, the corporation itself was not party to the reference which was filed by the claimant. Therefore, the

corporation is justified in saying that it had no knowledge about the judgment and award passed. Technically, there would be a delay, however, since the corporation was not a party to the reference, good ground has been shown for taking a lenient view in favour of the corporation. Hence, the delay stands condoned.

4. Civil Application stands allowed and disposed of accordingly.
5. Registry to verify and register the first appeal and place it for further consideration on 17.12.2019.

**(SMT. VIBHA KANKANWADI, J.)**

SCM