

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

**950 CIVIL APPLICATION NO.14260 OF 2018
IN FAST/34612/2018 WITH CA/14261/2018 IN
FAST/34612/2018 WITH CA/14262/2018 IN
FAST/34790/2018 WITH CA/14264/2018 IN
FAST/34790/2018 WITH CA/14265/2018 IN
FAST/34793/2018 WITH CA/14267/2018 IN
FAST/34793/2018 WITH CA/14268/2018 IN
FAST/34784/2018 WITH CA/14269/2018 IN
FAST/34784/2018 WITH CA/14270/2018 IN
FAST/34778/2018 WITH CA/14271/2018 IN
FAST/34778/2018**

**EX. ENGINEER, PATHBANDARE MAJBUTIKARAN DIVISION,
OMERGA AND ORS**

VERSUS

SHIVAJI NARAYAN NEPATE

...

**Shri S.G. Karlekar : Advocate for Applicants;
Smt L.R. Thakur, Advocate, h/f. Shri L.C. Patil,
Advocate for Respondent**

...

CORAM : P.R. BORA, J.

Dated: January 17, 2019

PER COURT :

1. Heard the learned Counsel appearing for the respective parties.

2. Delay of 1195 days has occurred in filing these appeals by the Acquiring Body. The learned Counsel for the applicants submitted that, in making procedural compliances, the delay has been caused. The learned Counsel submitted that,

delay is unintentional and for *bonafide* reasons. The learned Counsel further pointed out that, substantial grounds are raised in exception to the impugned Judgment and Award. The learned Counsel pointed out that, when SLAO had offered the compensation at the rate of Rs.700/- per *Are*, the Reference Court has enhanced it arbitrarily to the extent of Rs.13,133/- per *Are* for non-irrigated land and Rs.19,700/- per *Are* for seasonally irrigated land. The learned Counsel submitted that, in the circumstances, the opportunity needs to be given to the Acquiring Body to prosecute its appeals on merits.

3. The learned Counsel for the respondents has strongly opposed for condoning the delay stating that, the reasons as are assigned are insufficient to condone the delay.

4. I have given due consideration to the submissions made by the learned Counsel appearing for the parties. It is true that, delay of 1195 days has to be termed as inordinate, however, the reasons as are assigned cannot be wholly rejected. It further appears to me that, the grounds which are raised in

exception to the impugned Judgment deserve to be considered. The compensation as has been enhanced by the Reference Court apparently appears to be 15 times more than the amount of compensation offered by the SLAO. In view of the fact that, public money is involved, I am inclined to allow the present applications. Hence, the following order.

ORDER

- (i) The delay caused in filing the appeals is condoned. Appeals be registered in accordance with law. Civil Applications for condonation of delay stand disposed of.

- (ii) On registration of the appeals, issue notice to the respondents. Advocate Smt L.R. Thakur waives notice for the respondents. Service complete.

- (iii) List the appeals for further consideration after six weeks.

(**PR. BORA, J.**)

...