

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

84 CIVIL APPLICATION NO.4694 OF 2019
IN FAST/38918/2018 WITH CA/4674/2019 IN FAST/38939/2018
WITH CA/4676/2019 IN FAST/39017/2018 WITH CA/4679/2019 IN
FAST/39014/2018 WITH CA/4683/2019 IN FAST/38732/2018
WITH CA/4685/2019 IN FAST/38884/2018 WITH CA/4687/2019 IN
FAST/38893/2018 WITH CA/4689/2019 IN FAST/38924/2018 WITH
CA/4696/2019 IN FAST/38921/2018 WITH CA/4699/2019 IN
FAST/38888/2018 WITH CA/4703/2019 IN FAST/38986/2018 WITH
CA/4705/2019 IN FAST/39374/2018 WITH CA/4707/2019 IN FAST/
39380/2018 WITH CA/4709/2019 IN FAST/39377/2018 WITH
CA/4729/2019 IN FAST/39010/2018 WITH CA/4731/2019 IN
FAST/39002/2018 WITH CA/4737/2019 IN FAST/38906/2018 WITH
WITH CA/4741/2019 IN FAST/38735/2018

THE EX. ENGINEER, BEED IRRIGATION DIVISION, BEED THR
G.M.I.D.C., AURANGABAD

VERSUS

MANGAL VAJJINATH BORADE AND ORS

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Advocate for Applicant : Mr. Bhalerao Sudhir G.
AGP for Respondents-State : Mr. A. M. Phule
Advocate for Respondents : Mr. S. E. Shekade &
Mr. D. R. Jaybhar

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CORAM : MANGESH S. PATIL, J.

DATE : 08.11.2019

PER COURT :-

Heard both the sides.

2. The applicant - Acquiring Body is seeking to prefer appeal challenging the awards passed by the Tribunal under Land Acquisition Act under reference made by respondents/claimants.

By way of these applications it is now seeking condonation of delay in preferring the appeals.

3. Learned advocate for the applicant submits that already the amount as ordered by this Court has been deposited. There were no other reasons for it not to prefer appeals in time. The delay has occasioned bona fide. There are serious disputes touching the merits which need to be addressed by this Court. Money would be lost. Interest has been awarded from the date of notification instead of awarding it from the date of award, which is in contravention of the decision of full Bench of this Court. If the delay is not condoned, it would cause serious prejudice to the appellant.

5. Learned advocate for the respondent/claimants opposes the request.

6. Indeed there are serious issues on merits, which need to be addressed by this Court.

7. There are no circumstances indicating that delay was mala fide or as has been allowed to be caused with some ulterior motive. The respondents are also claiming withdrawal of the amount deposited in this Court by the applicant pursuant to the order of this Court.

8. Taking all these circumstances and the reasons mentioned in the application, the delay in all these matters is condoned.

9. Civil Applications are accordingly disposed of.

(MANGESH S. PATIL, J.)

vsm/-