

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CIVIL APPLICATION NO.9565 OF 2017**
IN FAST/2866/2017

THE EXECUTIVE ENGINEER, THROUGH ROHAN D. DESAI ASST.
ENGINEER, GRADE-1, MINOR IRRIGATION, Z.P., OSMANABAD
VERSUS
MADHUSUDAN@AMIT KISHOR MUNDE AND OTHERS

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Mr.S.N. Rodge Advocate for Applicant.
Mr.A.M. Gaikwad Advocate for Resp. No. 1.
Mr.Avishkar S. Shelke Advocate for Resp. No. 2.
Mr.A.V. Deshmukh, A.G.P. for Resp. Nos. 3 and 4.

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CORAM: SUNIL P. DESHMUKH AND
B.U. DEBADWAR, JJ.

DATE : 24TH JANUARY, 2020

ORDER :

1. Learned counsel for the applicant-appellant states that in similar circumstances by order dated 22nd October 2018 passed in civil application No. 11807 of 2017 in first appeal stamp No. 21257 of 2017, delay has been condoned.

2. Though learned counsel for respondents purports to resist, had not been able to overcome the veracity of the contentions.

3. In the circumstances, the present matter being similar to one as civil application No. 11808 of 2017, it will be appropriate to follow the same course and pass following order:

4. For the reasons contained in the application as well as having regard to the decision of Supreme Court in the cases of *Collector, Land Acquisition, Anantnag and another Vs. Mst. Katiji and others* reported in *AIR 1987 Supreme Court 1353*, *Esha Bhattacharya Vs. Managing Committee of Raghunathpur Nafar Academy and others* reported in *(2013) 12 Supreme Court Cases 649* and decision of learned Single Judge [Coram: K.K. Sonawane, J.] in the *G.M.I.D.C. Ltd. Aurangabad through the Executive Director vs. Babasaheb Bhagchand Kothule and another (Civil Application No. 12741 of 2016 and connected matters)*, which is often referred to, the delay is condoned.

5. Civil application is disposed of accordingly.

(B.U. DEBADWAR, J.)

[SUNIL P. DESHMUKH, J.]