

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 CIVIL APPLICATION NO. 7173 OF 2017
IN FAST/9791/2017

THE EXECUTIVE ENGINEER, LATUR MINOR IRRIGATION,
LATUR DIVISION, LATUR AND OTHERS

VERSUS

SAKHARAM MADHAVRAO MUNDHE

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Advocate for Applicant No.1 : Mrs. Dipali S. Ansingkar
(Jape)

AGP for Applicant Nos. 2 & 3-State : Mr. P. G. Borade
Advocate for Respondent-sole : Mr. Gunale V. D.

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CORAM : V. K. JADHAV, J.
DATED : 23TH OCTOBER, 2020

PER COURT :-

1. I have heard learned counsel for the applicant-acquiring body. Learned counsel submits that due to the completion of administrative formalities, such as legal advice, approval etc., delay has been caused in preferring appeals. Learned counsel submits that the delay is not intentional and the acquiring body was prevented from sufficient cause to prefer appeals within limitation.

2. Learned counsel appearing for the respondent/original claimant has strongly resisted the application.

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3. It appears that though there is delay in filing the first appeal arising out of the judgment and award passed by the reference court. However, the delay is not intentional one and the applicant-acquiring body, after obtaining legal advice and completion of the administrative formalities, preferred the appeal. It further appears that the respondent/original claimant has also not seriously resisted the application by filing reply. Considering the entire aspect of the case, I am inclined to condone the delay. Hence, the civil application is hereby allowed in terms of prayer clause "B" and disposed off accordingly.

(V. K. JADHAV, J.)

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