

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

**CIVIL APPLICATION NO. 12523 OF 2005
IN
FIRST APPEAL NO. 1581 OF 2004**

1. Laxman S/o Bhau Dambre (died)
Through LR's.
- 1A Shewantabai W/o Laxman Dambre
Age: Major, Occ: Household,
- 1B Shakhubai W/o Laxman Dambre
Age: Major, Occ: Household,
- 1C Vitthabai D/o Laxman Dambre
Age: Major, Occ: Household,
- 1D Babasaheb S/o Laxman Dambre
Age: Major, Occ: Agri, ... Applicants
- All R/o Ieet, Tq. Bhoom,
Dist. Osmanabad

Vs.

The State of Maharashtra, through
Collector, Osmanabad. ... Respondent

...
Mr. V. D. Salunke, Senior Advocate for Applicants
Mr. A. M. Phule, AGP for Respondent
...

CORAM : B. U. DEBADWAR, J.

DATE : 06th AUGUST, 2020

PER COURT :

1. This is an application for condonation of delay of 128 days caused in filing cross objection in First Appeal No. 1581 of 2004.

2. Read the application. Heard Mr. V. D. Salunke, learned Senior Counsel for applicant – original claimant and Mr. A. M. Phule, learned Assistant Government Pleader for respondent – State of Maharashtra.

3. Upon going through the record and proceedings, it reveals that being aggrieved by judgment and award dated 26-08-2003, passed by learned Joint Civil Judge Senior Division, Osmanabad, in Land Acquisition Reference No. 98 of 1995, respondent – State of Maharashtra has preferred the present appeal.

4. Admittedly, notice of the said appeal is served on the applicant – original claimant on 05-02-2005. Cross objection was required to be filed within 30 days from date of service of notice of appeal to applicant – claimant i.e. on or before 05-03-2005. However, it has been filed on 13-07-2005. There is a delay of 128 days in filing the cross objection.

5. While taking me through the averments made in paragraphs No. 2 and 3 of the application, Mr. V. D. Salunke, learned Senior Counsel, argued that the reasons for delay caused in moving cross objection are cogent and sufficient to condone the same. Mr. A. M. Phule, learned Assistant Government Pleader has

not seriously disputed the reasons for delay mentioned in the application.

6. The reasons for delay shown in paragraphs No. 2 and 3 of application are cogent and sufficient. Therefore, delay needs to be condoned.

6. Accordingly, civil application is allowed and delay of 128 days caused in preferring appeal is hereby condoned.

(B. U. DEBADWAR, J.)

SVH