

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6959 OF 2020 IN
FIRST APPEAL ST. NO. 15312 OF 2020

The Executive Engineer

Applicant

Versus

Bapu Nathu Borse & others

Respondents

Mr. S.G. Bhalerao, Advocate for the applicant.

Mr. P.K. Lakhotiya, AGP respondent Nos. 2 and 3.

Mr. V.B. Patil, Advocate for respondent No. 1.

CORAM : M. G. SEWLIKAR, J.

DATE : 26th October, 2020.

PER COURT :

1. This application arises out of Nimbhora project. Applicant-acquiring body has preferred this application seeking condonation of delay of 1248 days occurred in preferring the first appeal.

2. Delay is committed for the reasons given in paragraph No. 2 of the application which is stated as procedural delay. Learned counsel for the applicant submits that applicant was not a party to the reference. After seeking legal opinion on getting knowledge of the

award, the appeal is preferred. For these reasons, there is delay in preferring the appeal.

3. Shri V.B. Patil, learned counsel for respondent No. 1 vehemently opposes the application for condonation of delay stating that this cannot be a cause for condonation of delay. He submits that if this Court comes to the conclusion that delay is to be condoned, in that case, the acquiring body shall be directed to deposit the entire amount at once.

4. For the reasons stated in the application, it is evident that the acquiring body was not a party to the reference in the reference Court. The applicant has made out sufficient cause for condonation of delay. Hence, the application is allowed.

5. Delay of 1248 days occurred in preferring the first appeal stands condoned. Civil application stands disposed of.

(M. G. SEWLIKAR)
Judge