

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

**CIVIL APPLICATION NO. 8160 OF 2018
IN
FIRST APPEAL STAMP NO.16612 OF 2018**

The Executive Engineer
Latur Minor Irrigation Division and another ... Applicants
Versus
Shriniwas s/o Hanumandas Bhargav
(Died) Through his L.Rs.
1. Brijlal s/o Shrinivas Bhargav and ors ... Respondents

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Mr. Shyam C. Arora, Advocate for applicants
Mr. S. K. Tambe, AGP for the State
Mr. G. K. Sontakke, Advocate for respondents No.1 to 7

....

**CORAM : SUNIL P. DESHMUKH AND
R. G. AVACHAT, JJ.**

DATED : 27th OCTOBER, 2020

ORDER :-

1. Heard learned counsel for the appearing parties.
2. Learned counsel appearing for acquiring body submits that the delay in preferring First Appeal has occurred under the circumstances referred to in the application. Those are neither intentional nor deliberate. He submits that the reference court had granted compensation at very exorbitant rate. He further purports to point out that earlier, while the matter had been before learned Single Judge, delay, had, in fact, been condoned. He submits that there is no dispute on that the delay has neither been intentional nor deliberate.

3. Learned counsel Mr. Sontakke, appearing on behalf of claimants purports to oppose, however, he has not been in a position to dispute veracity of contents of the application.

4. Having regard to the aforesaid, and that the court would be liberal while considering the application for condonation of delay and having regard to guidelines appearing under the decisions of Supreme Court in case of "*Collector, Land Acquisition, Anantnag V/s. Ms. Katiji and others*" reported in AIR 1987 SC 1353, as also, in the case of "*Esha Bhattacharjee V/s. Managing Committee of Raghunathpur Nafar Academy and others*" reported in (2013) 12 Supreme Court Cases 649, we deem it appropriate to grant the application.

5. As such, delay is condoned. The application is granted in terms of prayer clause "B" and is disposed of.

[R. G. AVACHAT, J.]

[SUNIL P. DESHMUKH, J.]

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