

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO.8414 OF 2020
IN FAST/16879/2020

THE EX. ENGINEER, MINOR IRRIGATION DIV. LATUR AND ORS
VERSUS ISMIL KASHIMSAB SHEKH

WITH

C.A.NO.8417 OF 2020 IN FAST NO.17024 OF 2020
C.A.NO.8420 OF 2020 IN FAST NO.17020 OF 2020

Mr.S.M. Ganachari, Advocate for the applicants-appellants
Mr.G.K. Sontakke, Advocate for the respondents-claimants.

CORAM : V.L.ACHLIYA,J.

DATED : 15.12.2020

P.C. :-

01. Heard. Issue notice to the respondents. Learned Counsel Mr. G.K. Sontakke appears for the respondents-claimants and waives notice. Learned Counsel undertakes to file Vakalatnama within one week.

02. By consent, the applications are taken up for hearing for final disposal.

03. In brief, it is contention of learned counsel for the applicants that the delay caused in filing appeal was not deliberate. It was occurred for the reasons set out in the application. It is submitted that the delay was caused in securing clearances and approval from the higher authorities to file appeals. It is submitted that

the appellants have good case to succeed in appeal. In-case, the delay is not condoned, there is every likelihood that meritorious matters would be rejected on technical ground. It is submitted that the enhancement of compensation made by the Reference Court is excessive and not supported with evidence. The Special Land Acquisition Officer has assessed the compensation at Rs.78,000/- per hectare, which has been enhanced to Rs.4,14,000/- per hectare. It is further submitted that interest has been awarded from the date of notification, which is contrary to Full Bench decision in the case of State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3)Mh.L.J.457.

04. On the other hand, learned counsel for the respondents-claimants submitted that the delay may be condoned subject to directions to the applicant to deposit amount with this court.

05. On instructions, learned counsel for the applicants-appellants submitted that the appellants are ready to deposit the amount in terms of award within two weeks.

06. On due consideration of submissions advanced and the reasons assigned for condonation of delay remain to

be unchallenged and uncontroverted, I am of the view that the applications deserve to be allowed. Hence, following order is passed :-

O R D E R

i) The applications are allowed in terms of prayer clause (B) subject to deposit of amount in terms of award within four weeks.

ii) The appeals be registered.

[V.L.ACHLIYA,J.]