

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

**30 CIVIL APPLICATION NO. 1212 OF 2014
IN FAST NO. 35336/13**

WITH

**CIVIL APPLICATION NO. 1230 OF 2014
IN FAST NO. 35420/13**

WITH

**CIVIL APPLICATION NO. 1210 OF 2014
IN FAST NO. 35345/13**

WITH

**CIVIL APPLICATION NO. 1192 OF 2014
IN FAST NO. 35342/13**

WITH

**CIVIL APPLICATION NO. 1206 OF 2014
IN FAST NO. 35438/13**

**THE EXECUTIVE ENGINEER, SINCHAN VIBHAG
VS
SHANKAR HANUMANTA AND OTHERS**

Mr. Ruturaj C. Patil, Advocate for the applicant
Mr. P. M. Kulkarni, Advocate for respondent/State
Mr. A. M. Hazare, Advocate for original claimants

CORAM : V. L. ACHLIYA, J.

DATE : 14-12-2020

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. The applicant has moved this application seeking condonation of 823 days delay in filing of the appeal.

2. Heard learned counsel for the applicant/appellant and counsel representing the respondents/claimants.

3. In brief, it is the contention of the learned counsel for the applicant that the delay caused in filing of appeal is unintentional and primarily caused due to considerable time spend in securing approval of proposal to file appeal. It is submitted that the appellant has good case to succeed in appeal. The award passed by the tribunal is not sustainable in law.

4. On the other hand, learned counsel for the respondents/ claimants opposed the application with contention that the cause assigned by the applicant/appellant is not sufficient cause to condone the delay.

5. On due consideration of the submissions advanced in the light of unchallenged and uncontroverted pleadings made in the application assigning cause of condonation of delay, I am of the view that delay deserves to be condoned. In case, delay is not condoned, there is every likelihood that a meritorious matter may be rejected for technical reasons. On the other hand, if delay is condoned, no serious prejudice would cause to the respondents as ultimately the matter would be decided on its own merits. Hence, the following order is passed:-

ORDER

- i. The applications are allowed in terms of prayer clause-A.

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- ii. Delay condoned.
- iii. Appeal be registered.

[V. L. ACHLIYA, J.]

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