

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

CIVIL APPLICATION NO. 2947 2020

IN

FIRST APPEAL (STAMP) NO. 6607 OF 2020

The Executive Engineer
Irrigation Division, Osmanabad
and others

... Applicants

Versus

Dinkar S/o Limraj Padwal (Died)
Through LR's

... Respondents

....

Mr. Umakant P. Giri , Advocate for the Applicant No.1
Mr. S.S. Dande, AGP for Applicant Nos.2 and 3 / State
Mr. Laxmikant C. Patil, Advocate for Respondent Nos.1 and 2

....

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 03rd JULY, 2021

PER COURT:-

1. It is an application for condonation of delay moved by the applicants / appellants
2. Heard Mr. Umakant P. Giri, learned counsel for applicant No.1 / acquiring body, Mr. S.S. Dande, learned counsel appearing for applicant Nos.2 and 3 / State and Mr. Laxmikant C. Patil, learned counsel for the respondent-sole. Perused the impugned judgment and award passed in L.A.R. No. 245 of 2007 by 4th Joint Civil Judge, Senior Division, Osmanabad dated 04.01.2014.

3. There seems to be delay of 2145 days in preferring the First Appeal. Mr. L.C. Patil, learned counsel for the respondent / original claimant strongly opposed to condone the delay. He submits that the grounds assigned for condonation of delay are neither convincing nor strong. No case is made out for condonation of delay.

4. On the other hand, Mr. Umakant Giri, learned counsel for acquiring body and Mr. S.S. Dande, learned AGP appearing for applicant Nos. 2 and 3 / State submit that the delay was occurred due to procedural aspect. The delay was not intentional. In order to decide the appeal on merits, the delay needs to be condoned.

5. For the reasons stated in the application for condonation of delay and in order to decide the appeal on merits, and for the ends of justice, the delay needs to be condoned. Hence, the following order is passed:

ORDER

(i) The application for condonation of delay moved by the applicants / appellants is hereby allowed.

(ii) The appeal be registered after due scrutiny as per procedure and it be placed for admission.

(iii) The civil application is disposed of accordingly.

(SHRIKANT D. KULKARNI)
JUDGE

S.P Rane