

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

963 CIVIL APPLICATION NO.6803 OF 2019
IN FIRST APPEAL [STAMP] NO.8704 OF 2019

GODHAVARI MARATWADA IRRIGATION DEVELOPMENT
CORPORATION, AURANGABAD
VERSUS
RAMA SHANKAR SURWASE DIED THROUGH L.RS.
RUKHMINIBAI RAMBHAU SURWASE & OTHERS.

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WITH

CIVIL APPLICATION NO.6821 OF 2019
IN FIRST APPEAL [STAMP] NO.10183 OF 2019

WITH

CIVIL APPLICATION NO.6849 OF 2019
IN FIRST APPEAL [STAMP] NO.10225 OF 2019

WITH

CIVIL APPLICATION NO.6827 OF 2019
IN FIRST APPEAL [STAMP] NO.10235 OF 2019

WITH

CIVIL APPLICATION NO.6845 OF 2019
IN FIRST APPEAL [STAMP] NO.10287 OF 2019

WITH

CIVIL APPLICATION NO.6805 OF 2019
IN FIRST APPEAL [STAMP] NO.10187 OF 2019

WITH

CIVIL APPLICATION NO.6809 OF 2019
IN FIRST APPEAL [STAMP] NO.10232 OF 2019

WITH

CIVIL APPLICATION NO.6815 OF 2019
IN FIRST APPEAL [STAMP] NO.10204 OF 2019

WITH

CIVIL APPLICATION NO.6817 OF 2019
IN FIRST APPEAL [STAMP] NO.10270 OF 2019

WITH

CIVIL APPLICATION NO.6855 OF 2019
IN FIRST APPEAL [STAMP] NO.10220 OF 2019

WITH

CIVIL APPLICATION NO.6835 OF 2019
IN FIRST APPEAL [STAMP] NO.10273 OF 2019

WITH

CIVIL APPLICATION NO.6851 OF 2019
IN FIRST APPEAL [STAMP] NO.10245 OF 2019

WITH

CIVIL APPLICATION NO.6825 OF 2019
IN FIRST APPEAL [STAMP] NO.10252 OF 2019

WITH

CIVIL APPLICATION NO.6833 OF 2019
IN FIRST APPEAL [STAMP] NO.10256 OF 2019

WITH

CIVIL APPLICATION NO.6843 OF 2019
IN FIRST APPEAL [STAMP] NO.10277 OF 2019

WITH

CIVIL APPLICATION NO.6847 OF 2019
IN FIRST APPEAL [STAMP] NO.10199 OF 2019

WITH

CIVIL APPLICATION NO.6811 OF 2019
IN FIRST APPEAL [STAMP] NO.10241 OF 2019

WITH

CIVIL APPLICATION NO.6853 OF 2019
IN FIRST APPEAL [STAMP] NO.10260 OF 2019

WITH

CIVIL APPLICATION NO.6819 OF 2019
IN FIRST APPEAL [STAMP] NO.10210 OF 2019

WITH

CIVIL APPLICATION NO.6823 OF 2019
IN FIRST APPEAL [STAMP] NO.10195 OF 2019

WITH

CIVIL APPLICATION NO.6839 OF 2019
IN FIRST APPEAL [STAMP] NO.10263 OF 2019

WITH

CIVIL APPLICATION NO.6841 OF 2019
IN FIRST APPEAL [STAMP] NO.10238 OF 2019

WITH

CIVIL APPLICATION NO.6837 OF 2019
IN FIRST APPEAL [STAMP] NO.10248 OF 2019

WITH

CIVIL APPLICATION NO.6829 OF 2019
IN FIRST APPEAL [STAMP] NO.10214 OF 2019

WITH

CIVIL APPLICATION NO.6831 OF 2019
IN FIRST APPEAL [STAMP] NO.10282 OF 2019

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Mr.R.D.Biradar, Advocate for the applicants –
acquiring body.

Mr.S.Y.Patil, Advocate for the respondents –
claimants.

Mr.A.A.Jagatkar, AGP for the respondent-
State.

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CORAM : V.L.ACHLIYA,J.

DATE : 14.01.2021

P.C.

1] By this group of applications, the applicants - acquiring body has urged to condone the delay in filing the Appeals for the reasons set out in detail in the applications.

2] In brief, it is the contention of the learned counsel for the applicants - appellants that delay caused in filing appeals is not deliberate and intentional but caused primarily for administrative reason. It is further submitted that the applicants - appellants have good case to succeed in appeals. If delay is not condoned, serious prejudice would be caused to the applicants - appellants. The Reference Court has awarded the interest from the date of notification which is contrary to the full bench decision in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari*** reported in ***2016 [3] Mh.L.J. 457***. If delay is condoned, no serious prejudice would cause to the other-side. It is submitted the applicants - appellants have agreed to settle the matter with the respondents - claimants and the respondents have agreed to modify the award and to make

the interest to be payable from the date of award. It is submitted that the instructions to that effect are given by the respective claimants to their advocate. If delay is condoned, appeals can be disposed of by mutual consent.

3] Learned counsel for the respondents – claimants have no objections to condone the delay in view of the settlement reached between the parties to modify the award.

4] In view of the submissions advanced in the light of unchallenged and uncontraverted pleadings made in the applications assigning cause for condonation of delay and the parties have reached to the settlement, I am of the view that, delay deserves to be condoned. The condonation of delay in filing appeals would not cause serious prejudice to the respondents – claimants. I am, therefore, inclined to allow the applications. Accordingly, applications filed in respective appeals seeking condonation of delay are allowed in terms of prayer clause-B. Delay condoned. Appeals be registered.

5] Civil Applications are disposed of
in above terms.

6] List the Appeals for admission and
settlement on 20.01.2021.

[V.L.ACHLIYA]
JUDGE

DDC