

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

CIVIL APPLICATION NO. 5137 OF 2015
IN FIRST APPEAL (STAMP) NO. 11342 OF 2015

THE EXECUTIVE ENGINEER KHADAK PURNA PROJECT AND OTHERS
VERSUS
BHANUDAS S/O RAMRAO NAGARE
AND
CIVIL APPLICATION NO. 5139 OF 2015
IN FIRST APPEAL (STAMP) NO. 10995 OF 2015

THE EXECUTIVE ENGINEER KHADAK PURNA PROJECT AND OTHERS
VERSUS
KARBHARI S/O RAMRAO NAGARE

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Advocate for Applicant : Mr. S. B. Deshpande
AGP for Applicant Nos. 2 and 3: Mr.P. M. Kulkarni
Advocate for Respondent-sole : Mr. B. N.Palve

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CORAM : ANIL S. KILOR, J.
DATE : 30th APRIL, 2021

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PER COURT :

This is an application moved by the applicant-Acquiring Body for condonation of delay. There is delay of 241 and 243 days in filing First Appeals challenging the Judgment and Award dated 05-05-2014 passed by the learned Joint Civil Judge, Senior Division, Jalna in L.A.R. Nos. 2288/2010 (Old LAR 737/2007) and 2589 of 2010 (Old-LAR-744 of 2007).

2. I have heard the learned counsels appearing for the respective parties.

3. Shri Deshpande, learned counsel for the applicant states that the delay is bonafide and not intentional. It is submitted that the sufficient and justifiable reasons are given in the application to condone the delay. He submits that if the delay is condoned, no prejudice would be caused to the respondent- claimant.

4. Shri. Palve, the learned counsel appearing for the respondent-claimant. Even on service of notice long back and application is pending since 2015, no reply has been filed opposing the application, though the application.

5. In the above backdrop and looking at the reasons stated in the application which are sufficient and justifiable to condone the delay caused in filing First Appeal, I am of the opinion that the lenient view in this matter needs to be taken.

6. Accordingly, the civil application is allowed. The delay caused in filing First Appeal is condoned.

7. The Registry is directed to register the First Appeal and register the First Appeal.

(ANIL S. KILOR, J.)

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