

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CIVIL APPLICATION NO.14603 OF 2015
IN FAST/27931/2015

THE EXECUTIVE ENGINEER, KUKADI DISTRIBUTION AND
CONSTRUCTION DIV. KOLWADI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....

AND
CIVIL APPLICATION NO. 14606 OF 2015
IN FAST/28072/2015

AND
CIVIL APPLICATION NO. 14609 OF 2015
IN FAST/27936/2015

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Advocate for Applicants : Mr. Jeevan R. Patil h/f Mr. G.B. Rajale
AGP for Respondent-State: Mr. R.D. Sanap
Advocate for Respondents-claimants : Mr. Shubham D. Jayabhar h/f Mr.
D.R. Jayabhar

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CORAM : V. K. JADHAV, J.
DATED : 31st AUGUST, 2021

PER COURT:-

1. Heard.
2. There is delay of 1720 days caused in filing appeals preferred against the common judgment and award dated 06.10.2010 passed by the reference court in group of matters bearing L.A.R. No. 819 of 2003 alongwith other land acquisition references.
3. Learned counsel for the applicant acquiring body submits that the acquiring body was not party in the reference proceedings and

after getting knowledge and securing the funds from the Corporation, the appeals have been preferred for which delay has been caused. The delay is not intentional one and the applicant acquiring body is prevented from sufficient cause to prefer appeals within limitation.

4. Learned counsel appearing for respondents-claimants has strongly resisted the applications on the ground that the applicant acquiring body has not satisfactorily explained the delay. There is inordinate delay in preferring appeals. Learned counsel submits that even the acquiring body has not complied with the conditional interim stay order passed by this Court.

5. I have also heard learned A.G.P. for respondent-State.

6. It appears that in the original reference proceedings the applicant acquiring body was not impleaded as party respondent. Consequently, the award came to be passed against the State only. The applicant acquiring body, after getting knowledge of the award passed by the reference court, collected certified copy of the judgment and award passed by the reference court and after making necessary arrangement and obtaining the approval etc. preferred appeals. I do not think that the delay is intentional one and the applicant acquiring body since not impleaded as party in the original proceedings, the delay has been caused.

7. In view of above and for the reasons stated in the civil applications, civil applications are allowed in terms of prayer clause “B” and disposed of.

(V. K. JADHAV, J.)

rlj/