

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

**20 CIVIL APPLICATION NO. 14501 OF 2019
IN FAST/29980/2019**

**THE EX. ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD THE EX. ENGINEER Z.P. OSMANABAD
VS
AMINODDIN MOHIDDIN SHEIKH MASULDAR (DIED) THR LRS
CHANUBEE AND ORS**

Mr. Ramesh V. Naiknavare, Advocate for the applicant
Mr. Sushant B. Choudhari, Advocate for respondents No. 2 to 5

CORAM : N. J. JAMADAR, J.

DATE : 01-03-2021

P. C.

. This is an application for condonation of delay in preferring the appeal against the award passed by the Reference Court in LAR No. 335 of 1999.

2. The applicant contends that the applicant was unaware of the passing of the impugned judgment and award dated 14-04-2014 and was apprised of the said facts in the meeting of the District Scrutiny Committee convened by the acquiring body, on 14-06-2019. Thus, there was delay in preferring the appeal.

3. Heard learned counsel for the applicant and learned counsel for the respondents No. 2 to 5.

4. Indeed, the delay is inordinate. However, the averments in the application prima-facie indicate that the claim of the applicant-appellant that it was unaware of passing of the judgment and award dated 14-04-2014 cannot be said to be totally unsustainable. In any event, the applicant has deposited the entire amount of compensation and by a separate order, this court has permitted the claimants to withdraw 75% of the said amount.

5. Having regard to impersonal nature of applicant, the court is expected to lean in favour of condonation of delay by construing the reasons assigned for the delay liberally. Hence the following order.

ORDER

- i. The application stands allowed.
- ii. Delay in preferring the appeal stands condoned.
- iii. Appeal be registered.

[N. J. JAMADAR, J.]