

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

924. CIVIL APPLICATION NO.1326 OF 2019
IN FIRST APPEAL STAMP NO.2388 OF 2019

WITH

CIVIL APPLICATION NO.1324 OF 2019
IN FIRST APPEAL STAMP NO.2393 OF 2019

WITH

CIVIL APPLICATION NO.1322 OF 2019
IN FIRST APPEAL STAMP NO.2299 OF 2019

...

EXECUTIVE ENGINEER, SEENA KOLEGAON PROJECT
DIVISION, PARANDA & OTHERS

VERSUS

SHRI. SHAHU MOHANRAO PATIL (DIED)

HIS LEGAL HEIRS

PRATAP DILIPRAO PATIL

...

Mr.Gulab B. Rajale, Advocate for the applicants in all applications.

Mr.A.B.Chate, AGP for the State.

Mr.S.S.Shinde, Advocate for respondent in all applications.

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CORAM : S.G.DIGE, J.

DATE : 09.06.2022

P.C. :

1] The learned counsel for the applicants submits that the applicant is acquiring body and there is delay of 963 days in filing these Appeals. The applicants could not

get the certified copies of the necessary documents, which were required for filing the Appeals within time, hence, the appeals could not be filed within stipulated period.

2] The learned counsel for respondents vehemently opposed to allow the applications on the ground that respondent no.1 in Civil Application No.1322 of 2019 was compelled to file Writ Petition before this Court for deciding the Execution Application before the Executing Court and the Division Bench of this Court has passed the order accordingly. The learned counsel for respondents further submits that the appellant has not filed appeal against other claimants, who are beneficiaries like respondent no.1 in Civil Application No.1322 of 2019. Only against present respondents, these Appeals are filed.

3] It is the contention of the learned counsel for the applicants that appeals are filed against other claimants also and not against only respondent no.1 in Civil Application No.1322 of 2019.

4] I have gone through the record, it is significant to note that in these matters at the time of passing orders on stay applications, this Court has granted stay. At that time, delay condonation applications were not heard. This Court has directed the applicants / appellants in these applications to deposit the entire amount of award. Accordingly, the applicants-appellants have deposited the entire amount under award in this Court. Thereafter, respondent no.1 in Civil Application No.1322 of 2019 made an application for withdrawal of the amount. This Court has allowed the said application and respondent no.1 is allowed to withdraw some of the amount out of the deposited amount.

5] Considering the peculiar facts of this case, it is necessary to condone the delay as stay is already granted. Some amount is already withdrawn by respondent no.1 in Civil Application No.1322 of 2019 and the reasons mentioned in the delay applications are sufficient to

condone the delay. Hence, the Civil Applications are allowed in terms of prayer clause-B.

6] Appeals be registered subject to removal of office objections, if any.

[S.G.DIGE]
JUDGE

DDC