

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

CIVIL APPLICATION NO.13858 OF 2021 IN FAST/5199/2021

THE EXECUTIVE ENGINEER M.P.D. OSMANABAD THROUGH
M.K.V.D.C.
VERSUS
ADINATH DNYANDEV BHANDWALKAR AND OTHERS

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Mr. S.G. Bhalerao, Advocate for the Applicant
Mr. S.Y. Mahajan, Advocate for Respondent Nos. 1 to 4
Mr. S.P. Deshmukh, AGP for Respondent Nos. 5 and 6 / State

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 21st APRIL, 2022

PER COURT:-

1. It is an application for condonation of delay moved by the applicant / acquiring body. There seems to be delay of 808 days in preferring the appeal.
2. Heard Mr. S.G. Bhalerao, learned counsel for the applicant / acquiring body, Mr. Mahajan, learned counsel for respondent Nos. 1 to 4 and Mr. Deshmukh, learned A.G.P for respondent Nos. 5 and 6 / State.
3. Mr. Mahajan, learned counsel for the original claimants strongly opposed to condone the delay. He submitted that the delay caused in preferring the appeal is inordinate. He submitted that no sufficient reasons are assigned by the applicant to condone the delay.

4. Mr. Deshmukh, learned A.G.P submits that the State has no objection to condone the delay.

5. Mr. Bhalerao, learned counsel for the applicant / acquiring body submits that the delay caused in this case was not intentional or deliberate, it occurred due to completing the formalities and obtaining sanction from the concerned department. It is necessary to condone the delay in the interest of justice.

6. Having considered the submissions of both the sides and looking to the nature of dispute and grounds raised in the appeal memo and the reasons stated in the application for condonation of delay in para Nos. 2 to 4, the delay needs to be condoned.

ORDER

(i) The application is hereby allowed in terms of prayer clause (A).

(ii) The Registry is directed to make scrutiny of the appeal as per procedure, and thereafter, and it be numbered and place before the Court for admission.

(iii) Civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE