

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

**933 CIVIL APPLICATION NO.4669 OF 2020
IN FAST/5034/2019**

**THE CHIEF OFFICER MUNICIPAL COUNCIL TULJAPUR
VERSUS
RAMABAI DATTATRAYA SHAMRAJ (DIED) THR LRS DURGADAS AND
OTHERS**

...
Advocate for Applicant : Mr. Kulkarni Krishna K.
AGP for Respondent/s – State : Mr. S. N. Kendre
Advocate for Respondent No. 1A to 1C : Mr.Dadpe Prasanna D.
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 12.10.2022

PER COURT :

The learned counsel for the claimants tendered affidavit in reply and it is taken on record. Copies served to other side.

2. Heard rival submissions. Also perused the affidavit in reply filed by the original claimants. The appellant -Acquiring Body is seeking condonation of huge delay of 2220 days which appears to be caused due to obtaining approvals at various stages. The learned counsel for the original claimants strongly opposed the application by filing affidavit in reply and also submitted that no proper explanation in respect of delay is there in the application. Further according to him, the Acquiring Body has not deposited any amount

of compensation despite taking out execution proceeding.

3. However, considering the statutory right of the appellant - Acquiring Body, the delay of 2220 days in filing first appeal stands condoned. It is made clear that this Court has not granted any stay to the execution of the impugned award and the claimants, who have already filed execution proceedings are having all the remedies in law to recover the amount of compensation.

4. The appeal be placed for admission after removal of office objections, if any.

5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-