

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO.3349 OF 2010
IN FAST/5812/2010

THE EXECUTIVE ENGINEER LOWER DUDHNA PROJECT SAILU DIST
PARBHANI
VERSUS
ROHIDAS MAUTI JOGDAND AND ORS

...
Advocate for Applicant : Mr. Tandale P.R.
AGP for Respondents : Mr. P.M. Kulkarni
...

CORAM : S.G. MEHARE, J.

DATED : 07th JUNE, 2022.

PER COURT:-

1. Heard learned counsel Shri Tandale for the applicant and learned AGP for respondents nos.2 and 3. None appeared for respondent no.1 though served long back.
2. Learned counsel for the applicant would submit that the acquiring body has preferred the appeal. The time was spent seeking approval from head office and advice from the legal section. There is no deliberate delay in preferring the appeal. The appellant has a good case on merit. The LAO has exorbitantly enhanced the compensation without material evidence.
3. The guidelines issued by the Supreme Court in the case of Dhiraj Singh (Dead) Through Legal Representatives and Others Vs. State of Haryana and Others, (2014) 14 SCC 127, is squarely applicable to this case. This Court is satisfied with the reasons

mentioned in the application; hence, it is of the opinion that the delay is liable to be condoned. Therefore, the following order:

ORDER

- I) The application is allowed.
- II) The delay of 303 days caused in preferring the appeal is condoned.
- III) No order as to costs.
- IV) In appeal, issue fresh notice to respondent no.1, returnable on 06.07.2022. Learned AGP waives service of notice for respondents nos.2 and 3.

(S.G. MEHARE, J.)