

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

937 CIVIL APPLICATION NO.6174 OF 2022  
IN FAST/6959/2022

EX. ENGINEER, IRRIGATION DIV. AURANGABAD NOW MINOR  
IRRIGATION DIV. NO. 1 AURANGABAD AND ANR  
VERSUS  
MADHAV MANIKRAO DAUNGE (DIED) THR LRS BHIMABAI (DIED)THR  
LRS SHOBHABAI AND ORS

Mr B.R. Survase, Advocate for applicants  
Mr N.J. Pahune Patil, Advocate for respondents No.1-a to 1-c

**CORAM : SHRIKANT D. KULKARNI, J.**

**DATE : 19<sup>th</sup> April, 2022**

**PER COURT :**

1. It is an application for condonation of delay moved by the applicants.
2. Heard Mr B.R. Survase, learned Advocate for applicants.
3. Issue notice to the respondents/original claimants.
4. Mr N.J. Pahune Patil submits that he has filed caveat on behalf of respondents No.1-a to 1-c/original claimants, however, his name is not shown in the cause list. The Registry is directed to show name of Mr N.J. Pahune Patil, learned Advocate for respondents no.1-a to 1-c. Mr N.J. Pahune Patil, learned Advocate waives notice for respondents 1-a to 1-c.
5. Learned Advocate for respondents No.1-a to 1-c/original claimants opposed to condone the delay. He submitted that no sufficient reasons are assigned in the application by the applicant/acquiring body to condone the delay. If delay is condoned, heavy costs may be imposed on the acquiring body.

6. Mr B.R. Survase, learned Advocate for applicants submits that delay caused in preferring the appeal was not intentional. The delay was caused due to procedural formalities and he urged to condone the delay.

7. On perusing the record, it is noticed that there is delay of 1411 days in preferring the appeal.

8. For the reasons stated in the application, particularly in paragraphs 4 to 7, the delay needs to be condoned in the interest of justice, having regard to the grounds raised in the appeal memo, without imposing any costs.

#### **ORDER**

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

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

(iii) The Civil Application is accordingly disposed of.

**( SHRIKANT D. KULKARNI, J.)**