

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

914 CIVIL APPLICATION NO.6967 OF 2022
IN FAST/12505/2022

THE EXECUTIVE ENGINEER IRRIGATION PROJECT CONSOLIDATION
DIVISION OMERGA TALUKA OMERGA
VERSUS
BHAURAO @ DATTATRAYA KISANRAO @ KRISHNA JADHAV

Mr S.B. Patil, Advocate for applicant
Mr L.C.Patil, Advocate for respondents No.1 to 3
Mr S.P. Deshmukh, A.G.P. for respondents No.4 and 5

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 4th May, 2022

PER COURT :

1. It is an application for condonation of delay moved by the applicant/acquiring body.
2. Issue notice to the respondents. Mr L.C. Patil, learned Advocate waives notice for respondents No.1 to 3 and Mr S.P. Deshmukh, learned A.G.P. waives notice for respondents No.4 and 5.
3. Heard learned Advocates for respective parties.
4. There is delay of 2837 days in preferring the appeal. Mr L.C. Patil, learned Advocate for respondents No.1 to 3 strongly opposed to condone the delay. He submitted that the reasons assigned for condonation of delay are neither sufficient nor strong. He, therefore, urged to reject the application. Mr S.P. Deshmukh, learned A.G.P. for respondents No.4 and 5 has no objection to condone the delay.

5. Mr S.B. Patil, learned Advocate for applicant/acquiring body submitted that the delay was not intentional. The delay was resulted in completing formalities and obtaining sanction from the competent authority. He also pointed out that there is strong hope to succeed in the appeal. He, therefore, urged to condone the delay.

6. Having considered the submissions made by the learned Advocate for the applicant and in view of reasons assigned in the application, more particularly in paragraphs No.3 to 5, the delay needs to be condoned.

ORDER

- (i) The Civil 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.)

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