

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

CIVIL APPLICATION NO.11198 OF 2021 IN FAST/23264/2020

THE EX. ENGINEER, MIN IRRI DIV. SINCHAN BHAVAN,  
ANANDNAGAR, OSMANABAD

VERSUS

GAUTAM KESHAV GULVE AND OTHERS

....

Mr. Ram B. Deshpande, Advocate for the Applicant

Mr. Sanjay Wakure, Advocate for Respondent No.1

Ms. D.S. Jape, AGP for Respondent Nos. 2 and 3

....

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

**DATE : 04<sup>th</sup> JANUARY, 2022**

**PER COURT:-**

1. It is an application for condonation of delay moved by the applicant / acquiring body. There seems to be delay of 1318 days in preferring the first appeal.

2. Mr. Sanjay Wakure, learned counsel seeks permission to appear on behalf of respondent no.1. Leave granted. He undertakes to file *Vakalatnama* on behalf of respondent no.1 with the Registry.

3. Heard Mr. Ram Deshpande, learned counsel for the applicant, Mr. Sanjay Wakure, learned counsel for respondent no.1 and Ms. D.S.Jape, learned AGP for respondent nos. 2 and 3.

4. On perusing the bailiff report, it is noticed that service upon wife of respondent no.1 is a valid service in the eye of law in view of the provisions of Order V Rule 15 of the Code of Civil Procedure.

5 Mr. Deshpande, learned counsel for the applicant submits that the delay caused in preferring the appeal was not intentional or deliberate, it occurred due to procedural aspects. He submits that there are various questions of law involved in the proposed appeal and it is necessary to condone the delay.

6. Having regard to the submissions of learned counsel for the applicant and for the reasons stated in the application in para nos. 2 to 4, and in the interest of justice, it is necessary to condone the delay.

### **ORDER**

- (i) The application is hereby allowed in terms of prayer clause (B).
- (ii) The Registry to make scrutiny of the appeal and it be numbered and place before the concerned Court for admission.
- (iii) Civil application is accordingly disposed of.

**[ SHRIKANT D. KULKARNI ]**  
**JUDGE**

S.P. Rane