

Sonali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1587 OF 2018
IN
FIRST APPEAL (ST) NO. 9055 OF 2018**

Executive Engineer Karajvan Canal Division ...Applicant
Nashik

Versus

Mr. Rangnath Lahanu Mondhe & Ors ...Respondents

Ms. Chaitrali Deshmukh, for the Applicant/Appellant.
Mr. A. R. Patil, Addl. GP, for Respondent No.3.

**CORAM Madhav J. Jamdar, JJ.
DATED: 26th February 2022**

PC:-

SONALI
MILIND
PATIL

Digitally signed by
SONALI MILIND PATIL
Date: 2022.02.28
18:04:55 +0530

1. Heard Ms. Chaitrali Deshmukh, the learned Advocate for the Applicant. She submits that although there is delay of 2 years and 143 days in filing the First Appeal, the same is adequately explained. She submits that in fact the Applicant i.e. Executive Engineer, Karajvan Canal Division, Nashik tried to settle the matter with the Respondents Nos.1 and 2, i.e. original claimants in view of Government Notification issued by Revenue and Forest Department dated 23rd February 2017

and 3rd November 2016. As the dispute could not be settled, the First Appeal was required to be filed.

2. This Court issued notice to Respondents by order dated 23rd April 2018. Ms. Chaitrali Deshmukh submits that all Respondents are served. Respondents Nos. 1 and 2 who are original claimants inspite of service, not appeared in this Court and no reply is filed to the delay condonation application.

3. The Applicant in paragraph No.6 of the Civil Application set out in detail the circumstances in which the delay has occurred in filing the Appeal. The main reason for the delay was in view of Government Resolution dated 23rd February 2017 and 3rd November 2016 the decision was taken to make an endeavour to settle the matter and accordingly negotiations were carried out. However, the matter could not be settled, therefore, the First Appeal is filed. The contentions raised in Civil Application have remained uncontroverted as Respondents Nos. 1 and 2 have not filed any reply controverting the said contentions.

4. In view of above, Civil Application is allowed in terms of prayer clause (b) and is disposed of accordingly.

(Madhav J. Jamdar, J)