

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

12 CIVIL APPLICATION NO.6461 OF 2022
IN FAST/5162/2020 WITH CA/15976/2022 IN FAST/5162/2020

THE EX. ENGINEER, MINOR IRRIGATION DIVISION, (LOCAL
SECTOR) JALNA AND ORS

VERSUS

BABASAHEB VITTHAL MORE AND ANR

...

Advocate for Applicants : Mr. S. D. Dhongade

Advocate for Respondent No.1 : Ms. Pratibha J. Bharad

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 05/06/2023.

P. C. :

1. The learned counsel for the appellant / acquiring body submits that the present respondent No.2 in the appeal as well as in delay condonation application and stay application, was no more at the time of filing appeal. It appears that even in the impugned judgment the respondent No.2 is shown as dead. As such, on the request of learned counsel for appellant / acquiring body the name of respondent No.2 Vitthal Manikrao More stands deleted. The deletion be carried out forthwith.

A) ORDER IN CIVIL APPLICATION NO.6461 OF 2022 :

1. The appellant – acquiring body is seeking condonation of delay of 802 days, which appears to be caused due to obtaining sanctions at various stages. Though there is strong objection from other side, but considering the statutory right of the appellant the delay of 802 days stands condoned.

2. The appeal be placed for admission after removal of office objections, if any. Application is accordingly disposed of.

B) ORDER IN CIVIL APPLICATION NO.15976 OF 2022 :

1. Heard rival submissions.
2. There shall be *ad interim* relief in terms of prayer clause-B subject to deposit of entire amount of compensation alongwith interest within a period of 12 weeks.

(SANDIPKUMAR C. MORE, J.)