

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

**CIVIL APPLICATION NO.6648 OF 2018
IN FAST/6506/2018**

EX. ENGINEER, PATBHANDHARE MAJBUTIKARAN DIV. OMERGA THR
MKVDC, PUNE AND ORS
VERSUS
VASANT KASHIBA KADAM AND ORS

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Advocate for Applicants : Mr. S. G. Bhalerao h/f Mr. U. K. Patil
Advocate for Respondent Nos.1 and 3: Mr. Akash E. Madne h/f Mr. A.
B. Kale

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 19.08.2023

PER COURT :

1. By this application, the applicant / acquiring body seeks to condone the delay of 1037 days caused in filing the appeal against the award passed by the reference court in LAR No.252/2011.
2. Mr. Bhalerao, learned Advocate appearing for the applicant referring to the reasons given in Paragraph Nos.2 and 3 of the application submits that, the delay has been caused on account of procedural aspect and communication gap between the Advocate and authorities of the applicant. He would submit that the applicant has not derived any advantage by making the delay. The applicant has strong grounds for the appeal.

3. Learned Advocate appearing for the respondents opposes the prayer on the ground that, sufficient cause is not made out to condone the huge delay.
4. Having considered the submissions advanced, apparently, the applicant has not derived any advantage by making the delay. There is nothing to show that the delay is intentionally caused. The plausible reasons are given in Paragraph Nos.2 and 3 to explain the delay. The reasons are uncontraverted. In that view of the matter, the application deserves to be allowed. Hence, this Court proceeds to pass the following order:

ORDER

- a. Civil Application is allowed.
- b. The delay of 1037 days caused in filing the appeal is condoned
- c. Appeal be registered subject to removal of office objections, if any.
- d. Civil Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE