

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.386 OF 2023
IN FAST/34732/2022**

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
NO.1 AURANGABAD AND ANR
VERSUS
DATTATYRAY SO PANDHARINATH JAGTAP AND ANR

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Mr. H. P. Jadhav, Advocate for the Applicants.

Mr. Nikhil P. Ghanwat, Advocate for Respondent Nos.1 and 2.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 14th JULY, 2023.

PER COURT:-

1. By this application, the applicants seek condonation of delay of 1604 days caused in filing the First Appeal.

2. Mr. Jadhav, learned Advocate appearing for the applicants submits that the delay is unintentional and on account of the administrative reasons. He submits that elaborate reasons are given in the application, which are sufficient to constitute a sufficient cause to condone the delay.

3. Per contra, learned Advocate appearing for respondent nos.1 and 2 submits that there is huge delay and sufficient cause is not made out from the reasons as stated in the application.

4. Having considered the submissions and the contents of the application, it can be gathered that the acquiring body is

required to follow the procedure for filing of appeal and obtained various administrative sanctions and approvals. Apparently, the delay is on account of procedural aspect. In that view of the matter, the case is made out to condone the delay. Hence, the following order:-

ORDER

- a. Civil Application is allowed.
 - b. Delay of 1604 days caused in filing the First Appeal is condoned. Appeal be registered.
5. Civil Application is disposed of.

ORDER IN FIRST APPEAL (STAMP)

1. On registration of appeal, appeal Admit.
2. Call for Record and Proceedings.
3. Print and Paper Book dispensed with.

(S. G. CHAPALGAONKAR)
JUDGE