

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 542 OF 2020 IN
FIRST APPEAL ST. NO. 41034 OF 2019

The Executive Engineer & others

Applicants

Versus

Manik s/o Eknath Ghogre
(Deceased through LRs)

Respondents

Mr. U. P. Giri, Advocate for the applicant No. 1.
Mr. S. D. Ghayal, AGP for applicants No. 2 and 3.
Mr. V. V. Tarde, Advocate for the respondents.

CORAM : R. M. JOSHI, J.

DATE : 15th FEBRUARY, 2023.

PER COURT :

1. Learned counsel for acquiring body submits that on account of administrative reasons the appeal could not be filed in time against the judgment and award dated 30th June, 2016.

2. Learned counsel for the respondents opposed the said contention. It is further pointed out that the applicants have not complied with the order dated 22nd January, 2020 and the amount of compensation is not deposited.

3. Perusal of order dated 22nd January, 2020, indicates that it was an conditional order and non-compliance thereof has resulted in automatic vacation of stay granted by this Court. That however, would not have any bearing on the present application.

4. Considering the reasons stated in the application, since delay caused in preferring the appeal is not deliberate, the same deserves to be condoned. Hence the order :-

ORDER

(i) Application is allowed.

(ii) Delay of 1513 days caused in filing the first appeal stands condoned subject to cost of Rs. 1,000/- payable by appellant No. 1/acquiring body to the respondents within a period of two weeks from today.

(iii) Civil application stands disposed of.

(R. M. JOSHI)
Judge