



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 CIVIL APPLICATION NO. 1827 OF 2024
IN FAST/1997/2024
WITH
CIVIL APPLICATION NO. 1826 OF 2024
IN FAST/1997/2024

...
The G.m.i.d.c., Through The Exe. Engineer, M.i.d. No.1, Aurangabad
VERSUS
Sahebrao Gahenaji Sonawane And Ors

...
Advocate for Applicant : Mr. R.B. Singare
Advocate for Respondents 1 to 3 : Mr. S.D. Jaybhar

...
CORAM : KISHORE C. SANT, J.
Dated : June 13, 2024

PER COURT :-

1. Civil Application No. 1826/2024 is filed by the Acquiring Body/ Corporation for delay condonation of 1662 days caused in filing the first appeal. Challenge in the appeal is to the judgment and award dated 4.2.2019 passed by the learned 5th Jt. Civil Judge, Senior Division, Aurangabad in LAR No. 261/2008.
2. It is the case of the applicant/Corporation that the Corporation was not party to the original proceeding before the Reference Court. Corporation could not get the knowledge immediately. After getting the knowledge of the judgment and award dated 4.2.2019, the Corporation prayed for certified copies. Thereafter, opinion was sought from the legal department. The proposal was received on 28.11.2022. Thereafter, panel advocate was instructed to file Vakalpatra. Appeal was, thus, filed on 12.1.2024 after making provision of court fees etc. He, thus, submits that the delay is not intentional and deserves to be condoned.
3. The learned advocate for the respondents vehemently opposes

the application for condonation of delay. He submits that till today the Corporation has not deposited the amount in this Court nor paid anything to the claimants.

4. Considering the reasons stated in the application, this Court is inclined to allow the application. Civil Application No. 1826/2024 stands allowed. Delay of 1662 days is condoned. Office to register the appeal.

5. In Civil Application No. 1827/2024, the learned advocate for the Corporation/applicant prays for stay to the execution, implementation and operation of the impugned award by submitting that there are good grounds involved in the appeal.

6. Considering the fact that there is already award passed by the Reference Court, it would be desirable to put some conditions before granting of stay to the applicant/Corporation.

7. Hence, Civil Application No. 1827/2024 is allowed, subject to condition of depositing entire amount of compensation as per the award within twelve weeks from today in this Court.

8. Needless to say that original claimants are at liberty to file application for withdrawal of amount.

9. With these, both the applications stand disposed of.

(KISHORE C. SANT, J.)