



(1)

1-CA-11655-2021

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 CIVIL APPLICATION NO. 11655 OF 2021
IN FAST/26890/2021

The Chief Officer Raver Municipal Council Raver, Jalgaon

VERSUS

The S.l.a.o. Reservation O. 59, Jalgaon And Ors

WITH

CIVIL APPLICATION NO. 11653 OF 2021
IN FAST/26890/2021

WITH

CIVIL APPLICATION NO. 11654 OF 2021
IN FAST/26890/2021

...

Mr. A. N. Kakade, Advocate for Applicant.

Mr. Yash S. Pareek h/f A. B. Kale for Respondent No.3.

Mr. K. B. Jadhavar, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 6th DECEMBER 2024

PC :-

1. Heard the parties.
2. This application is filed by the acquiring body for condonation of delay of 2725 days caused in filing the application seeking leave to file appeal. It is the case of the applicant that though the applicant happens to be the acquiring body. It was not made a party in the reference Court.

Since it was not a party, it could not get a knowledge of the order passed in the Reference Court.

3. Considering the above, this Court is satisfied that case is made out to condone the delay.
4. Delay thus stands condoned.
5. Application is allowed and disposed off.

CIVIL APPLICATION FOR LEAVE TO FILE APPEAL

1. This application is for leave to file appeal. The applicant happens to be the acquiring body for being the property of the respondent-claimant was acquired. The claimant filed reference under Section 18 of the Land Acquisition Act without making present applicant as a party.
6. The learned Advocate for the Applicant relied on the judgment in the case of *Vidarbha Irrigation Development Corporation Vs. Sadanand Damodhar Mawale and Ors.* [2010 (5) ABR (NOC) 496 (BOM.) (NAGPUR BENCH)].
7. Considering the above, application stands allowed and disposed off.
8. Office to register the first appeal.

FIRST APPEAL

1. Issue notice to the Respondents, returnable on 7th February 2025.
2. Learned AGP waives service of notice for Respondent Nos.1 and 2.
9. Learned Advocate Mr. Kale waives for Respondent No.3.

STAY

1. Stand over to 7th February 2025.

[KISHORE C. SANT, J.]

Ethape