



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 CIVIL APPLICATION NO. 228 OF 2024
IN FAST/29206/2023

EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
OSMANABAD

VERSUS

NILAWATI DAMODAR OVHAL AND ORS

...

Advocate for Applicant : Mr. Vinesh C. Solshe
AGP for Respondent Nos. 2 & 3/State : Mr. V.M. Chate

...

CORAM : KISHORE C. SANT, J.

DATE : 11th JUNE, 2024.

PER COURT :

1. Heard the learned Advocate for the applicant and learned AGP for respondent Nos. 2 and 3.
2. None appears for respondent No. 1 inspite of service of notice.
3. This application is preferred for condonation of 2538 days delay caused in filing the appeal. It is stated in the

application that that there was no immediate knowledge of the impugned order. Learned Advocate who was engaged in the trial Court, did not inform about the decision and passing of the award to the present appellant. After getting the knowledge a proposal was sent for legal opinion to the concerned authority. Opinion was received. It is thereafter a proposal was prepared and sent. Thereafter sometime was consumed in making and preparation and for arrangement of legal expenses and Court fee for preferring the appeal. For that purpose sanction was required. He thus, submits that though the judgment and order is passed on 02.05.2016, the compliance was made lastly on 09.06.2023 and the appeal is filed immediately after all the compliance is made. The delay is not intentional but is for the reasons stated in the application which are recorded above. Learned Advocate prays for condonation of delay.

4. Considering the reasons stated in the application, this Court is inclined to condone the delay of 2538 days. Hence the following order :

ORDER

- a) The application is allowed and disposed

off.

- b) The delay of 2538 days is condoned.
- c) Office to register the appeal.
- d) After registration of appeal, issue notice to the Respondents/ Original Claimants, returnable on 23.07.2024.
- e) The applicant to move this application after receiving funds for depositing the same in this court.

(KISHORE C. SANT)
JUDGE

mahajansb/