



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.11804 OF 2024
IN
FIRST APPEAL (ST.) NO. 23328 OF 2024

The Executive Engineer, Minor
Irrigation Division No.1, Solapur and Anr. ... Applicants.

In the matter between:

The Executive Engineer, Minor
Irrigation Division No.1, Solapur and Anr. ... Appellants.

Versus

Dhondopant @ Appasaheb
Nanasaheb Deshmukh and Ors. ... Respondents.

Mr. Vilas B. Tapkir, for the Applicants.
Mr. Anand Kulkarni, for Respondent No.2.
Mr. Anvil S. Kalekar, for the Respondent Nos.1 and 3-Caveators.

Coram : Sharmila U. Deshmukh, J.

Date : August 21, 2024

P. C.:

1. Interim Application has been filed seeking condonation of delay of 1 year and 11 months caused in filing the present Appeal.
2. Learned counsel appearing for the Applicants would submit that the impugned Judgment and Award under Section 18 of the Land Acquisition Act, 1894 came to be passed on 26th August, 2022 and thereafter the Application was made for certified copy which was received on 6th January, 2023. He further submits that the Applicants sent the proposal to the Head Office for obtaining the permission and

subsequently the permission was granted and the First Appeal came to be filed. He further submits that the Acquiring Body being a Corporation, certain approvals and permissions were required to be obtained and hence there is delay. He further submits that the execution proceedings have been initiated and the entire decretal amount alongwith accrued interest can be directed to be deposited in the Reference Court.

3. Learned counsel appearing for the private Respondents-Claimants opposes the Application and submits that no sufficient cause have been shown to condone the delay of 1 year and 11 months. It is further submitted that it is only upon execution application being filed the present proceedings have been initiated.

4. The fact remains that before the Judgment of the Reference Court could be challenged by the Applicants in the higher forum, necessary approvals and permissions were required to be obtained from the Head Office. It is stated that the proposal was sent to the Head Office and subsequently the permission was granted. Therefore, there is sufficient explanation which has been tendered for the delay of 1 year and 11 months.

5. I am inclined to allow the Application. Accordingly, the Interim Application stands allowed. The delay of 1 year and 11 months days stands condoned.

[Sharmila U. Deshmukh, J.]