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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**938-2 CIVIL APPLICATION NO. 8537 OF 2023
IN FAST/530/2023**

THE EXECUTIVE ENGINEER JALGAON MEDIUM PROJECT
DIVISION JALGAON

VERSUS

NARAYAN BUDHA MALI, DIED, THROUGH LRS RAJENDRA
NARAYAN MAHAJAN & OTHERS

....

Mr A. D. Pawar, Advocate for applicant

Mr A. H. Koralkar, Advocate for respondent Nos.1(i) to 1(v)

Mr S. K. Shirse, A.G.P. for respondent No.2

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 4th July, 2025

PER COURT:

1. Heard Advocate Mr Ajay Pawar for the applicant/appellant, Advocate Mr Koralkar, learned counsel for respondent Nos.1(i) to 1(v) and learned A.G.P. appearing for respondent No.2.

2. This is an application for condonation of delay of 198 days in filing the first appeal by the applicant/acquiring body. Learned counsel for the applicant submits that the delay occurred on account of seeking approvals and permissions for the purpose of filing the appeal. It is submitted that the delay is unintentional and in view of the

(2)

position of law as laid down by the Hon'ble Supreme Court in the judgments of **Executive Officer, Antiyur Town Panchayat Vs. G. Arumugam, 2015 (3) SCC 569** and **Esha Bhattacharjee v/s Managing Committee of Raghunathpur Nafar Academy, (2013) 12 SCC 649**, the delay needs to be condoned. It is further submitted that the delay is of 198 days and it has occurred on account of sufficient cause.

3. Although learned counsel for respondents oppose the delay, considering the contentions stated in the civil application, particularly in paragraph Nos.3 to 7 and the submissions advanced, the delay needs to be condoned in the interest of justice.

4. As such, the delay is condoned. The civil application is allowed and disposed of.

(PRAFULLA S. KHUBALKAR, J.)

sjk