



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2305 OF 2022
IN FIRST APPEAL(ST)/5432/2021

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIV., OMERGA
VERSUS
FAKIRAPPA NAGAPPAL MULE, DIED THROUGH LRS AND OTHERS.

WITH

CIVIL APPLICATION NO. 2364 OF 2022
IN FIRST APPEAL(ST)/5432/2021

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIV., OMERGA
VERSUS
FAKIRAPPA NAGAPPAL MULE, DIED THROUGH LRS AND OTHERS.

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Mr. Sudhir G. Bhalerao, Advocate for ApplicantS
Mr. Shashikiran Patil, Advocate for Respondent Nos.1A to 1G.
Mr. S. S. Dande, AGP for Respondents - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 23 JULY 2025

PRONOUNCED ON : 01 AUGUST 2025

ORDER :

CIVIL APPLICATION NO. 2305 OF 2022 :

1. Present application is for condonation of delay of 341 days caused in filing appeal against judgment and award passed by the learned Reference Court in L.A.R. No.358 of 2014.

2. Learned Advocate for acquiring body pointed out that,

reasons for delay are spelt out in paragraph nos.2 and 3 of the application and stated that there is no deliberate and intentional delay and therefore, in the interest of justice and fair opportunity, delay so caused is sought to be condoned.

3. Learned Advocate for the respondents opposed the prayer for condonation of delay.

4. For the reasons mentioned in civil application, more particularly in paragraph nos.2 and 3 and in the interest of justice and fair opportunity, delay caused is required to be condoned. Delay stands condoned. Appeal be duly registered.

5. In First Appeal, issue notice to the respondents, returnable within eight weeks. Learned counsel Mr. Shashikiran Patil waives service of notice on behalf of respondent Nos.1A to 1G. Learned AGP waives service of notice on behalf of respondents-State.

CIVIL APPLICATION NO. 2364 OF 2022 :

6. This is an application filed by acquiring body seeking stay to the effect and operation of the impugned Judgment and Award.

7. There is no dispute that, the acquiring body has deposited the entire amount under the Award along with interest accrued thereon. Therefore, the stay granted by the order dated 30/08/2024 is made absolute and the application is disposed off in terms of Prayer Clause "A".

(ABHAY S. WAGHWASE, J.)