



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8705 OF 2022
IN
FIRST APPEAL(ST)/8386/2022

THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, USMANABAD
VERSUS
KHALILKHAN HUSENKHAN PATHAN AND OTHERS

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Mr. S. G. Bhalerao, Advocate for Applicant/Appellant (Through V.C.)
Mr. S. S. Jadhavar, Advocate for Respondent No.1.
Mr. S. S. Dande, APP for Respondent Nos.2 and 3 – State.

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 02 JULY 2025
PRONOUNCED ON : 03 JULY 2025

ORDER :

1. Present application by the acquiring body is for condonation of delay of 1008 days caused in filing appeal against judgment and award passed by the Civil Judge Senior Division, Paranda in L.A.R. No.240 of 2014.

2. Learned Advocate for applicant appearing through video conference 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. That, there is a good case in appeal and therefore, in the interest of justice and fair opportunity, delay so caused is sought to be condoned.

3. Learned Advocate for the respondent no.1 strongly opposed pointing out that there is no plausible explanation for the delay.

4. Heard. For the reasons mentioned in civil application, more particularly, in paragraph nos.2 and 3 and in view of law laid down by the Hon'ble Supreme Court in the case of ***Suresh Kumar v. State of Haryana and Ors.*** in Civil Appeal arising out of SLP(C) No.670/2020 and in the interest of justice and fair opportunity, delay so caused requires to be condoned. The application is allowed. Delay stands condoned. Appeal be duly registered.

5. In First Appeal, issue notice to the respondents, returnable within eight weeks. Learned counsel Mr. S. S. Jadhavar waives service of notice on behalf of respondent No.1 and Learned APP waives service of notice on behalf of respondent Nos.2 and 3.

(ABHAY S. WAGHWASE, J.)