



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 CIVIL APPLICATION NO. 8638 OF 2024
IN FAST/19385/2024

THE EXECUTIVE ENGINEER, SEENA KOLEGAON MEDIUM PROJECT,
PARANDA, OSMANABAD

VERSUS

VISHNU KERBA BARAVKAR AND ORS

WITH

CIVIL APPLICATION NO. 8637 OF 2024
IN FAST/19385/2024

THE EXECUTIVE ENGINEER, SEENA KOLEGAON MEDIUM PROJECT,
PARANDA, OSMANABAD

VERSUS

VISHNU KERBA BARAVKAR AND ORS

WITH

CIVIL APPLICATION NO. 8641 OF 2024
IN FAST/19399/2024

THE EXECUTIVE ENGINEER, SEENA KOLEGAON MEDIUM PROJECT,
PARANDA, OSMANABAD

VERSUS

SACHIN DATTATRYA BARAVKAR AND ORS

WITH

CIVIL APPLICATION NO. 8642 OF 2024
IN FAST/19399/2024

THE EXECUTIVE ENGINEER, SEENA KOLEGAON MEDIUM PROJECT,
PARANDA, OSMANABAD

VERSUS

SACHIN DATTATRYA BARAVKAR AND ORS

WITH

**CIVIL APPLICATION NO. 8639 OF 2024
IN FAST/19403/2024**

THE EXECUTIVE ENGINEER, SEENA KOLEGAON MEDIUM PROJECT,
PARANDA, OSMANABAD

VERSUS

NITIN DATTATRYA BARAVKAR AND ORS

WITH

**CIVIL APPLICATION NO. 8640 OF 2024
IN FAST/19403/2024**

THE EXECUTIVE ENGINEER, SEENA KOLEGAON MEDIUM PROJECT,
PARANDA, OSMANABAD

VERSUS

NITIN DATTATRYA BARAVKAR AND ORS

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Mr. S. B. Parnere, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

Mr. A. S. More, Advocate for Respondent No.1

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 15th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 8638 OF 2024 (STAY)

CIVIL APPLICATION NO. 8642 OF 2024 (STAY)

CIVIL APPLICATION NO. 8640 OF 2024 (STAY)

1. These Civil Applications are filed in respective appeals praying for stay to the execution and operation of the judgment and award impugned therein.
2. Mr. Parnere, learned counsel for the Acquiring Body submits

that pursuant to the order dated 16th August 2024 passed by this Court, 50% of the awarded amount has deposited in this Court.

3. In view of this, stay granted earlier is made absolute in terms of prayer clause “B”.

4. Civil Applications stand disposed of.

CIVIL APPLICATION NO. 8637 OF 2024 (DELAY)

CIVIL APPLICATION NO. 8641 OF 2024 (DELAY)

CIVIL APPLICATION NO. 8639 OF 2024 (DELAY)

1. These Civil Applications are filed seeking condonation of delay of 717 days, 711 days and 711 days respectively in filing the First Appeals.

2. Notices were issued to the parties.

3. It is apparent that the delay caused in filing present appeals is a big enough requiring the Court to apply judicious mind cautiously to use the discretion to condone the delay. The parameters to use such discretion are set by various verdicts of the Honorable Supreme Court as also by this Court in various cases.

4. A profitable reference can be made to the Judgment & Order passed by the Honorable Supreme Court in the case of **Sheo Raj Singh (Deceased through LR.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023]**. Honorable Supreme Court

was dealing with an Appeal wherein High Court's order condoning delay of 479 days caused in filing a First Appeal by the Government against a Judgment & Award passed in Land Acquisition Reference was under challenge.

5. Considering the overall law prevailing in the field of 'condonation of delay in appeals filed by the Government bodies and Authorities', the Honorable Supreme Court approved the view adopted by the High Court to condone the delay.

6. In the present case firstly, the object in challenging the impugned Judgment & Award is averred not only to save the public funds, but to object unjust and irrational consideration rendered by the Ld. Trial Court excepting the concept of 'Just & Fair Compensation'. Secondly, if the appeal is heard on its own merit it would lead to substantial justice. For the delayed period, the charge of interest on the award amount is also running. As such the interest of the claimants is protected enough. Rather if the delay is not condoned, it would result into miscarriage of justice. In the present case, the applicants/appellants have even deposited substantial portion of the Award in the Court. Thirdly, the applicants/appellants have sufficiently and properly explained the delay although not day-to-day. In my considered opinion,

present case is squarely covered by the law laid down in “**Sheo Raj case**” (**Supra**) wherein its held that, length of delay is not decisive in such cases where delay is properly explained.

7. For the reasons stated above, I am of the pragmatic view that by using the judicial discretion, delay in filing present First Appeals deserves to be condoned. Hence I pass following order.

- a. Delay in filing the present appeals stands condoned.
- b. Civil Applications stand allowed.
- c. Registry to register the First Appeals, subject to removal of office objections, if any, by the applicants/appellants within two weeks from today.

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FAST/19403/2024

8. After registration of the First Appeals, issue notice to the respondents. Mr. A. S. More, learned counsel waives service of notice for respondent no.1. Mr. S. V. Hange, learned AGP waives service of notice for respondent nos.2 and 3.

[AJIT B. KADETHANKAR, J.]