



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

**CIVIL APPLICATION NO. 2152 OF 2014
IN
FIRST APPEAL STAMP NO. 32736 OF 2013**

Executive Engineer, Minor Irrigation
Division, Osmanabad .. Applicant

Versus

Dhondiba Kadappa Yedke
Since deceased through L.Rs.
Biru Dhondiba Yedke and others .. Respondents

Shri Avishkar S. Shelke, Advocate for the Applicant
Shri Vikas N. Tanwade, Advocate for the Respondent Nos. 1/1,
1/3,1/5 to1/8.
Shri K. K. Naik, A.G.P. for the Respondent Nos. 2 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 21ST MARCH, 2025.**

FINAL ORDER :

. This application is for condonation of delay caused in preferring first appeal challenging judgment and award dated 28.06.2012 passed in L. A. R. No. 1263 of 2002. Learned counsel for the applicant submits that reasons are stated in paragraph Nos. 4, 5, 7 and 8. There are convincing reasons for condoning delay. He further submits that there are no *mala fides* on the part of the applicant in preferring first appeal belatedly.

2. Per contra, learned counsel for the respondents/claimants

would oppose the submissions of the applicant. He would submit that delay is unexplained and inordinate.

3. I have gone through the reasons mentioned in the civil application and more specifically in paragraph Nos. 4, 5, 7 and 8. I do not find that there could be any *mala fides* on the part of the applicant. It is desirable to condone the delay and deal with the first appeal on merits. I am inclined to allow this civil application.

4. The civil application is allowed in terms of prayer clause 'B'. Office is directed to register the first appeal. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/March 25