



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

9 CIVIL APPLICATION NO. 289 OF 2024 IN FAST/34608/2023

The Executive Engineer Sina Kolegaon Project At Paranda

VERSUS

Changdeo Bhivrao Bhandwalkar And Ors

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Mr. Jethliya Dhiraj R., Advocate for Applicant

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

...

WITH

CIVIL APPLICATION NO. 290 OF 2024 IN FAST/34608/2023

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CORAM : ROHIT W. JOSHI, J.

DATE : 10th MARCH, 2025

P.C.:

CIVIL APPLICATION NO. 289 OF 2024 IN FAST NO. 34608 OF 2023 :-

1. The acquiring body has filed present appeal in which there is a delay of 1533 days in filing appeal. The delay is sought to be explained on the grounds of administrative and procedural formalities.

2. The application is strongly opposed by the learned Counsel for the respondents/land owners. However, having regard to the fact that public money is at stake, I am inclined to condone the delay, however subject to condition that the appellant shall deposit cost of Rs.5,000/- with the Chairman, Library Committee, Advocate Association of

Bombay High Court at Aurangabad within a period of six weeks from today.

FIRST APPEAL (ST.) NO. 34608 OF 2023 :-

3. Since the delay in filing appeal is condoned subject to payment of cost, on payment of cost as ordered, the appeal be registered.
4. Call Record and Proceeding.
5. Learned AGP waives notice for respondent/State. Learned Counsel Mr. More waives notice for respondent No.1/land owner.

CIVIL APPLICATION NO. 290 OF 2024 IN FAST NO. 34608 OF 2023 :-

6. Subject to the condition that 75% of the entire amount as awarded by the learned reference court along with accrued interest is deposited by the appellant/acquiring body within a period of 12 weeks from today, execution of the impugned judgment and award shall stand stayed. The stay is granted without prejudice to the rights of the respondent/land owners to move for withdrawal of the amount.
7. Civil Application is disposed of.

[ROHIT W. JOSHI J.]