



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

96 CIVIL APPLICATION NO. 1175 OF 2025
IN FAST/31723/2024

EXECUTIVE ENGINEER, JALNA IRRIGATION DIVISION, JALNA
VERSUS
MOHAMMAD ANWAR S/O ABDUL KADIR AND ORS

...
Advocate for Applicant : Mr. Warad Sunil Vajinathappa.
AGP for Respondent/s-State : Mr. D. B. Bhange.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 09.06.2025

PER COURT :-

1. Heard learned counsel Mr. Sunil Warad for the applicant and learned AGP for respondent Nos.2 and 3/State. Respondent No.1 though served has not caused appearance.

2. Applicant is seeking condonation of delay of 856 days in preferring an appeal challenging judgment and order dated 11.04.2022. For the reasons stated in paragraph Nos.4 to 7, delay caused in preferring appeal is sought to be condoned. The averments of the application for condonation of delay are not controverted. There is no reason to infer that there are malafides on the part of acquiring body/applicant. I am inclined to condone the delay by adopting pragmatic approach.

3. Civil application is allowed in terms of prayer clause "B".

4. Office shall register first appeal.

In First Appeal

5. **Admit.**
6. Call for Record and Proceedings from the concerned Reference Court.
7. Learned AGP waives service of notice for respondent Nos.2 and 3/State.

(SHAILESH P. BRAHME, J.)

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vmk/-