



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

**CIVIL APPLICATION NO. 10790 OF 2024
IN
FIRST APPEAL STAMP NO. 21158 OF 2024**

The Executive Engineer Irrigation
Project Strengthening Division
Tuljapur .. Applicant

Versus

Prakash Eknath Kokate and others .. Respondents

Shri Uday S. Malte, Advocate for the Applicant.
Shri B. A. Shinde, A.G.P. for the Respondent Nos. 2 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 24TH JUNE, 2025.**

FINAL ORDER :

. Heard Mr. Malte, learned counsel for the applicant and learned Asstt. Govt. Pleader for the respondent No. 2 and 3. None appears for the respondent No. 1, despite service.

2. Applicant is praying for condonation of delay of 3010 days caused in preferring first appeal. Learned counsel Mr. Malte would refer to the reasons assigned in the application vide paragraph Nos. 4 to 8, which are good grounds to condone the delay. He would submit that there are no malafides on the part of the applicant to approach this Court belatedly. The reasons for delay were beyond control. He would further submit that

unreasonable and huge compensation was awarded and considering repercussions on public exchequer, it is desirable to hear the appeal on merits.

3. The respondent No. 1 has not caused appearance. Averments of the application are uncontroverted. It is rightly submitted by the learned counsel for the applicant that the matter needs to be heard on merits as it involves repercussions on public exchequer. I find that no malafides can be attributable to the applicant. It is desirable to allow the application by imposing condition.

4. The civil application is allowed in terms of prayer clause 'B' on condition that applicant shall deposit cost of Rs. 10,000/- (Rs. Ten thousands only) with the High Court Advocate's Bar Association Aurangabad within a period of four (04) weeks from today. Office is directed to register the first appeal. The civil application is disposed of.

[SHAILESH P. BRAHME J.]

bsb/June 25