



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

98 CIVIL APPLICATION NO. 1894 OF 2025
IN FAST/5147/2025

THE EXECUTIVE ENGINEER M.I. OSMANABAD THRO GMIDC
AURANGABAD

VERSUS

RAMKRISHAN BABURAO GAWALI AND ORS

WITH

CIVIL APPLICATION NO. 1895 OF 2025
IN FAST/5147/2025

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Advocate for Applicant : Ms. Vaishali S. Swami h/f Mr. Swami
Mahesh.

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 Ms. Vaishali Swami holding for Mr. Swami for the applicant and learned AGP for respondent Nos.5 and 6/State Authorities. None appears for respondent Nos.1 to 4 though duly served.

2. Applicant is seeking condonation of delay of 521 days in preferring first appeal challenging judgment and award dated 04.05.2023.

3. Learned counsel for the applicant submits that for the reasons stated in paragraph Nos.2 and 3, delay caused in

preferring appeal be condoned. It is submitted that the delay is not deliberate and the matter needs to be heard on merits.

4. I have gone through the reasons stated in the application for condonation of delay which are uncontroverted. There is no reason to discard the submissions of the learned counsel for the applicant. It is desirable to condone the delay and hear the first appeal on merits.

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

6. Office shall register first appeal.

In First Appeal

7. **Admit.**

8. Call for Record and Proceedings from the concerned Court.

9. Learned AGP waives service of notice for respondents/State.

10. On depositing the amount, respondent Nos.1 to 4 shall be at liberty to withdraw 50% of the amount deposited by

furnishing undertaking to the satisfaction of the Registrar (Judicial).

In Civil Application No.1895 of 2023 (Stay)

11. Learned counsel for the applicant submits that some more time be granted to deposit the amount. Despite sincere efforts, the amount could not be deposited within stipulated period. Accepting the request of applicant time of six (6) weeks is granted to deposit the amount in this court. In case of failure to deposit the amount, ad-interim stay granted on earlier occasion shall stand vacated without reference to the Court.

12. Ad-interim relief shall continue for the period of six (6) weeks.

(SHAILESH P. BRAHME, J.)

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vmk/-