

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1463 OF 2019.

IN

FIRST APPEAL (ST) NO. 27140 OF 2019.

The Managing Director, Krishna Khore Development ... Applicants.
Corporation, Pune And Anr.

Versus

Tipanna S/O. Bhimsha Patil & Anr.

...Respondents.

WITH

INTERIM APPLICATION NO. 1466 OF 2019.

IN

FIRST APPEAL (ST) NO. 27142 OF 2019.

WITH

INTERIM APPLICATION NO. 1473 OF 2019.

IN

FIRST APPEAL (ST) NO. 27147 OF 2019.

WITH

INTERIM APPLICATION NO. 1460 OF 2019.

IN

FIRST APPEAL (ST) NO. 27137 OF 2019.

WITH

INTERIM APPLICATION NO. 1456 OF 2019.

IN

FIRST APPEAL (ST) NO. 27133 OF 2019.

Mr. Abhijit Y Patil for the Applicants in all IA's.

Mr. Vilas Tapkir for the Respondent.

Coram : Sharmila U. Deshmukh, J.

Date : February 6, 2025.

P. C. :

1. Not on board. Taken on board.

2. Interim Applications have been preferred seeking condonation of delay of 3 years and 116 days caused in filing the Appeals by the acquiring body.

3. Learned Counsel appearing for the Applicant submits that the impugned Judgment came to be passed on 11th March, 2016 and thereafter acquiring body applied for the certified copy. He would further submit that as there were settlement talks between the parties, the acquiring body did not file the Appeal however the settlement talks did not fructify. He submits that the earlier advocate had prepared the First Appeal as well as the Application however the same were not filed and therefore there is delay. He submits that the delay is not intentional and there is no negligence or inaction on part of the acquiring body in filing the First Appeal.

4. Learned Counsel appearing for the Respondent No. 1- Claimant would submit that the amount has been deposited by the acquiring body and he has filed Interim Application for withdrawal. He submits that, if permitted to withdraw the amount which has been deposited, the Claimant's would not oppose the Application for condonation of delay.

5. I have considered the submissions and perused the records.

6. There is no reply filed to the Interim Application and

therefore the contentions raised in the Application setting out the explanation for condonation of delay is uncontraverted. It is not disputed that there were efforts made to resolve the dispute which did not fructify and resultantly the delay has occurred. The pleadings in the Application set out sufficient cause for condonation of delay and hence the same is condoned.

7. All the above Interim Applications are allowed.

[Sharmila U. Deshmukh, J.]