



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

**CIVIL APPLICATION NO. 8474 OF 2019
WITH CIVIL APPLICATION NO. 9728 OF 2025
WITH CIVIL APPLICATION NO. 8475 OF 2019
IN FIRST APPEAL (ST) NO. 20814 OF 2018**

The Executive Engineer,
Osmanabad Medium Project,
M.P. Division, Osmanabad and Another

..APPLICANTS

VERSUS

Kalyan Sahebrao Akhade

..RESPONDENT

**WITH CIVIL APPLICATION NO. 8470 OF 2019
WITH CIVIL APPLICATION NO. 8471 OF 2019
WITH CIVIL APPLICATION NO. 9729 OF 2025
IN FIRST APPEAL (ST) NO. 20597 OF 2018
WITH CIVIL APPLICATION NO. 8472 OF 2019
WITH CIVIL APPLICATION NO. 8473 OF 2019
IN FIRST APPEAL (ST) NO. 20821 OF 2018**

....
Mr. A.R. Kale, Advocate for applicants
Mr. S.R. Wakure, Advocate for respondent
....

**CORAM : RAJNISH R. VYAS, J.
DATE : 14th JANUARY, 2026**

PER COURT :

. These are the applications for condonation of delay of 1962 days occurred in filing the appeals preferred by the acquiring body challenging the common judgment and award dated 29th November, 2012 passed by the 4th Civil Judge Senior Division, Osmanabad.

2. Learned counsel for the applicants submitted that after passing of judgment and award dated 29th November 2012, certified copy of the same

was applied on 13th September 2013 which was received on 10th October 2013.

3. According to him, thereafter on 26th May, 2014 legal department of the applicant had decided to file appeal against the said judgment and award. He further the submitted that as the applicant is acquiring body and independent institution, the proposal was forwarded for filing of the appeal. After receiving the opinion, the applicant approached the advocate on 04th May, 2014. According to learned counsel for the applicant, after receipt of certified copies alongwith letter 03rd April 2014, necessary Court fees was arranged and finally the appeals were filed on 05th July, 2018. Learned counsel for the applicant submitted that the length of delay is satisfactory explained by the applicant, and therefore, considering the issue involved, the same be condoned.

4. Per contra, Mr. Wakure, learned counsel appearing for the original claimants/present respondents submits that delay has not been explained by the Executive Engineer/Acquiring Body in the proper manner. He submits that the delay, at least ought to have been explained in reasonable manner. According to him, the impugned judgment and award was passed on 29th November, 2012, certified copy was applied on 13th September, 2013 and for the first time, on 26th May, 2014 the legal department of the appellant decided to file the appeals. Though the decision was taken to file the appeals

on 26th May, 2015, after lapse of four years i.e. on 05th July 2018, the appeals were filed. He submits that this clearly show fault on the part of the acquiring body.

5. I have gone through the record of the case, so also considered the rival contentions of the parties. From the averments made in the applications for condonation of delay, it is crystal clear that though the judgment and award was passed in the year 2012, first time the certified copy was applied after period of 10 months and after 13 months thereafter it was decided to file the appeals i.e. on 26th May 2014. It is pertinent to note that though the decision to file the appeals is taken on 26th May 2014, the appeals were filed on 05th July 2018. I am thus of the opinion that the delay in filing the appeals is not properly explained by the appellant / acquiring body. In that view of the matter, the application for condonation of delay is rejected. In view of the same, first appeals alongwith the pending civil applications also stand disposed of.

6. Needless to mention, since the application for condonation of delay is rejected, the original claimants would be entitled for withdrawal of the amount, which is deposited in this Court, with all the benefits including the interest accrued thereon.

(RAJNISH R. VYAS, J.)