

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
BENCH AT AURANGABAD.  
CIVIL APPELLATE JURISDICTION.**

**Civil Application No.12257 Of 2014.**

(Delay Application)

**In**

**First Appeal (Stamp) No.24535 Of 2014.**

**ALONG WITH**

**Civil Application No.12259 Of 2014.**

(Delay Application)

**In**

**First Appeal (Stamp) No.24700 Of 2014.**

**Civil Application No.12261 Of 2014.**

(Delay Application)

**In**

**First Appeal (Stamp) No.24679 Of 2014.**

**Civil Application No.12263 Of 2014.**

(Delay Application)

**In**

**First Appeal (Stamp) No.24675 Of 2014.**

**Civil Application No.12265 Of 2014.**

(Delay Application)

**In**

**First Appeal (Stamp) No.24714 Of 2014.**

**Civil Application No.12267 Of 2014.**

(Delay Application)

**In**

**First Appeal (Stamp) No.24729 Of 2014.**

**Civil Application No.12269 Of 2014.**

(Delay Application)

**In**

**First Appeal (Stamp) No.24664 Of 2014.**

**Civil Application No.12273 Of 2014.**

(Delay Application)

**In****First Appeal (Stamp) No.24723 Of 2014.****Civil Application No.12277 Of 2014.**

(Delay Application)

**In****First Appeal (Stamp) No.24747 Of 2014.****Civil Application No.12283 Of 2014.**

(Delay Application)

**In****First Appeal (Stamp) No.24742 Of 2014.****Civil Application No.12285 Of 2014.**

(Delay Application)

**In****First Appeal (Stamp) No.24709 Of 2014.****Civil Application No.12257/14.****In****F.A.(St.) No.24535/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed.

:: **Applicant**  
**(Ori.Resp.No.2.)**

**Versus**

Bhonaji Bajirao Palve & Ors.

:: **Respondents.**

**Civil Application No.12259/14.****In****F.A.(St.) 24700/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed.

:: **Applicant**  
**(Ori.Resp.No.2.)**

**Versus**

Bhimrao Raghunath Palve & Ors.

:: **Respondents.**

**Civil Application No.12261/14.****In****F.A.(St.) 24679/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Shaikh Kasam Shaikh Abbas & Ors. :: **Respondents.**

**Civil Application No.12263/14.****In****F.A.(St.) 24675/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Ashruba Babu Palve & Ors. :: **Respondents.**

**Civil Application No.12265/14.****In****F.A.(St.) 24714/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Sanjanabai Raosaheb Gadhave & Ors. :: **Respondents.**

**Civil Application No.12267/14.****In****F.A.(St.) 24729/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Maruti Abu Mahadik & Ors. :: **Respondents.**

**Civil Application No.12269/14.****In****F.A.(St.) 24664/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Ashok Bhimaji Mahadik & Ors. :: **Respondents.**

**Civil Application No.12273/14.****In****F.A.(St.) 24723/2014.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Arjun Raghunath Palve & Ors. :: **Respondents.**

**Civil Application No.12277/14.****In****F.A.(St.) 24747/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Babu Abu Mahadik & Ors. :: **Respondents.**

**Civil Application No.12283/14.****In****F.A.(St.) 24742/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Natha Umaji Bhawar & Ors. :: **Respondents.**

**Civil Application No.12285/14.****In****F.A.(St.) 24709/14.**

The Executive Engineer  
Krishna Khore Vikas Mahamandal (M.I.)  
Beed. :: **Applicant**  
**(Ori.Resp.No.2.)**

**V\_e\_r\_s\_u\_s**  
Malhari Maruti Palve & Ors. :: **Respondents.**

**Appearance =>**

Mr. Raturaj Patil, Advocate, Advocate for the Applicants / Appellants.

Mr. S.L. Bhapkar, Advocate for the Respondents – Original Claimants.

Mrs. M.A. Deshpande, Asstt.Govt.Pleader for the State of Maharashtra.

**CORAM : B.P. Dharmadhikari &  
A.M. Badar, JJ.**

**DATE : 12<sup>th</sup> December, 2014.**

**Per Court :-**

These are the Applications for condonation of delay in preferring Appeal under Section 54 of the Land Acquisition Act. Applications are filed by Acquiring body.

[2] Heard both the sides. Mr. S.L. Bhapkar, learned counsel waives service of notice for Respondents – Original Claimants.

[3] On behalf of the Non Applicants – Claimants, Applications are opposed by contending that, there is no proper explanation of the delay of 117 days caused in preferring the Appeal/s and, therefore, Applications need

to be rejected. The learned counsel further contended that, in the event of allowing of the application/s, some costs should be imposed on the Applicants.

[4] Perused the Applications. It is contended that, as the Appeal is by Authority of the State, some procedure is required to be followed for preferring the Appeals and for following such procedure, there is delay. It appears that, delay is caused because of routine official procedure of seeking legal opinion, arranging of financial sanction for the purpose of preferring the appeal.

[5] We see no reason to disbelieve duly sworn testimony explaining proved delay of 117 days. It is well settled that primary function of the court is to adjudicate the dispute on its own merit rather adhering to the technicalities of the law. Hence, the order :-

**ORDER**

- (i) Application/s are allowed in terms of prayer clause (A).
- (ii) Delay caused in preferring Appeal/s is condoned.

**(A.M. BADAR, J.) (B.P. DHARMADHIKARI, J.)**