

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

921 CIVIL APPLICATION NO. 4696 OF 2014
IN FAST/2955/2014 WITH CA/4698/2014 IN FAST/2967/2014 WITH
CA/4700/2014 IN FAST/2961/2014 WITH CA/4702/2014 IN FAST/2973/2014
WITH CA/4704/2014 IN FAST/2964/2014 WITH CA/4706/2014 IN
FAST/2983/2014 WITH CA/4708/2014 IN FAST/2980/2014 WITH
CA/4710/2014 IN FAST/2976/2014 WITH CA/4712/2014 IN FAST/2970/2014

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
WAMAN DASHRATH PAWAR AND ANOTHER

...

AGP for Applicants : Mr. S.R. Yadav
Adv. for Respondents: Mr. R.S. Kasar

CORAM : K.K. SONAWANE, J.

DATE : 30th November, 2017.

PER COURT:

1] Heard learned AGP for the applicants and learned counsel for the respondent/s - original claimants.

2] Perused the applications. These are applications for condonation of delay caused for filing the first appeal against the impugned judgment and award passed by the learned Reference court. Learned AGP submits that delay is not deliberate and intentional but caused due to compliance of procedural formalities. Hence, he prayed to condone the delay.

3] Learned counsel for the respondent/s raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay.

4] I have heard the submission canvassed on behalf of both sides and perused the application as well as the impugned judgment and award against which the applicant State is intending to file an appeal. The matter

pertains to land acquisition proceedings. The applicant State is intending to agitate the findings recorded by the learned Reference Court on the issue of market value arrived at by the learned Reference Court, which according to State, is exorbitant.

5] I am of the considered opinion that reasonable opportunity needs to be given to the applicant State to ventilate its grievances in the appellate forum. The appellant is the Government Agency I.e. Acquiring Body and in view of public interest, it is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. If the appeal/s of the appellant/State i.e. acquiring body is/are not allowed to be presented for further process on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicant/ State to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest of justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned.

6] Registry to take requisite steps for further process. On registration of appeals, issue notice to respondents. The learned counsel Shri R.S. Kasar, Advocate waives notice for respondents-original claimants. Call for R.& P from the concerned Reference Court. After compliance of procedural formalities, matter be listed for admission in due course.

[K.K. SONAWANE]
JUDGE.

grt/-