

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO. 7146 OF 2016  
IN FAST/3841/2016

THE STATE OF MAHARASHTRA AND ANR  
VERSUS  
APPA BATTU WADNE DEAD THR HIS LRS MEENA AND OTHERS

...

AGP for Applicants : Mr. B.V. Virdhe  
Adv. for respondents : Mr. A.N. Patne

**CORAM : K.K. SONAWANE, J.**

**DATE : 9th November, 2017.**

**PER COURT:**

1] Heard learned AGP for the applicant and learned counsel for the respondents/original claimants - LR's of original claimant Appa Battu Wadne.

2] Perused the application and other relevant documents produced on record. This is an application for condonation of 616 days delay in filing the first appeal against the impugned judgment and award passed by the learned Reference Court in LAR No. 1284 of 2011. Learned AGP submits that delay is not deliberate and intentional but caused owing to administrative compliance. As such, he prayed to condone the delay.

3] Learned counsel for the respondent 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.

5] The matter pertains to land acquisition proceedings. 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. It is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. If the appeal of the appellant/State is 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 application for condonation of delay deserves to be allowed. In sequel, the application stand allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for further process.

6] After registration of appeal, issue notice to respondents - LRs of original claimant. Meanwhile, call for R. & P. from the concerned Reference Court. After receipt of R. & P. matter be listed for admission in due course.

**[K.K. SONAWANE]**  
**JUDGE.**

grt/-