

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

**CIVIL APPLICATION NO. 3047 OF 2016
IN
FIRST APPEAL STAMP NO. 5411 OF 2016**

The Executive Engineer, Majalgaon Dam
Division No. 10 Parbhani and others ...APPLICANTS

versus

Urmila Pradipkumar Daga ...RESPONDENT

Mr. Ruturaj C. Patil, Advocate for applicant
Mr. V.D. Bhise, Advocate for respondents-original claimants

WITH

CIVIL APPLICATION NO. 3061 OF 2016 IN FIRST APPEAL ST. NO. 5471 OF 2016
CIVIL APPLICATION NO. 3049 OF 2016 IN FIRST APPEAL ST. NO. 5474 OF 2016
CIVIL APPLICATION NO. 3053 OF 2016 IN FIRST APPEAL ST. NO. 5459 OF 2016
CIVIL APPLICATION NO. 3059 OF 2016 IN FIRST APPEAL ST. NO. 5468 OF 2016

CORAM : K.K. SONAWANE, J.

DATED : 21st AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicant and respondents-original claimants.
2. Present applications are filed by the applicant-Acquiring Body for condonation of 253 days delay caused in preferring the appeal against the judgment and Award passed by the Reference Court in Reference Petitions filed by respondents-original claimants under section 18 of the Land Acquisition Act, 1894.
3. According to learned counsel for the applicant - Acquiring Body the delay so caused in preferring the appeal is not intentional or deliberate but caused due to compliance of procedural formalities. The applicant - Acquiring Body has to take legal opinion and financial

sanctions from the various departments and also procure the funds for court fees and other expenses. There are every hope of success in the matters. In case, the delay is not condoned, it would caused injustice and prejudice to the Acquiring Body. Hence, learned counsel prayed to condone the delay by allowing the applications.

4. The learned counsel for respondents-original claimants raised objection and submits that there is no sufficient ground to condone the delay and prayed to reject the applications.

5. I have given anxious consideration to the argument advanced on behalf of both sides and I have also perused the documents produced on record. The matter pertains to land acquisition proceedings. The learned Reference Court partly allowed the Reference Petitions of the respondents filed under Section 18 of the Land Acquisition Act. The applicant-Acquiring Body 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.

6. At this juncture, I am of the considered opinion that reasonable opportunity needs to be given to the applicant - Acquiring Body to ventilate its grievances in the appellate forum. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the applications for consideration of delay. The applicant-Acquiring Body is Government Agency and obviously delay has been caused due to compliance of procedural formalities. In such circumstances, I do not find any impediment to

grant some sort of latitude to the applicant Acquiring Body to present the appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose in interest of justice. Hence, the applications for condonation of delay deserves 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. Registry to take requisite steps for registration of appeals.

7. The civil applications for condonation of delay stand disposed of accordingly.

8. Call for record and proceedings.

9. List the appeals for further process on 18-09-2017.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK