

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

923 CIVIL APPLICATION NO. 9227 OF 2016
IN FAST/6359/2016

THE G.M.I.D.C. THR THE EXE ENGINEER, LATUR MINOR IRRIGATION
DIVISION LATUR
VERSUS
MAHESH MAROTI CHEULWAR AND ORS

...
Advocate for Applicant : Mr. Hiraji T. Gaikwad
AGP for Respondents No. 2 and 3: Mr. S.R. Yadav
Advocate for Respondents No. 1 : Mr. H.B. Nandagawale h/f
Mr. Satish Deshmukh
...

CORAM : K.K. SONAWANE, J.

DATED : 05TH OCTOBER, 2017.

Order :-

1. Heard learned counsel for the applicant-Acquiring Body as well as learned counsel for respondent No. 1-original claimant and learned AGP for respondents No. 2 and 3.
2. The applicant moved the present application for condonation of delay in filing the first appeal against impugned Judgment and Award passed by the learned Extra joint Civil Judge, Senior Division, Latur in LAR No. 18 of 2007. According to learned counsel for the applicant, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The applicant is Body corporate having its independent entity. After procuring the funds for court fees etc. appeal came to be filed, however, there is delay in filing the appeals. According to learned counsel for applicant, delay so caused is not intentional or deliberate, but caused due to compliance of official process.
3. The learned counsel for respondent-original claimants submits that there is inordinate delay, which has not been explained

satisfactorily, therefore, the same cannot be condoned and prayed for rejection of application.

4. The learned AGP for respondents No. 2 and 3 submits for suitable orders in the interest of justice.

5. Perused the application. Considering the nature of the subject-matter and reasons mentioned in the application, I do not find any impediment to allow the application for condonation of delay. The public interest is involved in these matters. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. Therefore, reasonable latitude is required to be given to the applicant-Acquiring Body to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose in the interest of justice. Hence, 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 registration of appeal and list the matter for further process in due course.

6. The civil application is allowed in above terms and stand disposed of.

Sd/-

[K. K. SONAWANE]
JUDGE

mtk.