

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 3682 OF 2016
IN FAST/6499/2016 WITH CA/3684/2016 IN FAST/7088/2016 WITH
CA/3686/2016 IN FAST/7091/2016 WITH CA/3689/2016 IN FAST/7097/2016
WITH CA/3691/2016 IN FAST/7094/2016

THE EXECUTIVE ENGINEER, (NIRMAN) (CONSTRUCTION) CENTRAL RAILWAY,
SOLAPUR PROP PAR
VERSUS
MADHUKAR BAPURAO KADAM DECEASED THR HIS LRS ABASAHEB AND ORS

Advocate for Applicant : Mr. Manish N. Navandar
Advocate for respondent Nos. 1A to 1C : Mr. P.K. Deshmukh
AGP for Respondent No.2: Mr. K.D. Munde

CORAM : K.K. SONAWANE, J.

DATE : 29th September, 2017.

PER COURT:

1] Heard learned counsel for the applicants/Acquiring Body, learned counsel for the respondents- original claimants and learned AGP for Special Land Acquisition Officer.

2] Perused the applications. It has been contended that the applicant/Acquiring Body has filed appeal against impugned judgment and award passed by the learned Reference Court, Osmanabad. There is a delay of 339 to 344 days. Learned Counsel for applicant/s submits that due to official procedure to present an appeal, delay has been caused. He submits that delay is not deliberate and intentional but caused owing to administrative compliance. It is submitted that the applicants are from the office of Central Railways, Solapur. The matter pertains to compensation received for the land acquired by the Central Railways, Solapur. 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 given anxious consideration to the arguments advanced on behalf of both sides. Perused the application. Admittedly, there is a delay of 344 days for filing the first appeal against the impugned judgment and award passed by the Reference Court, Osmanabad.

5] In view of the reasons mentioned in the application as well as status of the applicant being a Government Agency, I do not find any impediment to allow the applicant/ Acquiring Body to present an appeal by adopting liberal and pragmatic approach for condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the purpose in 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. Registry to take requisite steps for registration of appeal and list the matter for further process. On registration of appeal issue notice to respondents. Mr. P.K. Deshmukh, Advocate waives notice for respondents 1A to 1-C (original claimants). Mr. Munde, AGP waives notice for respondent State of Maharashtra. Call for R. & P from the concerned Court. After compliance of procedural formalities, list the matter for final hearing in due course.

[K.K. SONAWANE]
JUDGE.

grt/-