

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

917 CIVIL APPLICATION NO. 3654 OF 2016 IN F.A. 7073 OF 2016

UNION OF INDIA, THR DY. CHIEF ENGINEER,
CONSTRUCTION,CENTRAL RAILWAY SOLAPUR AND
VERSUS
SOPAN NIVRUTTI AIWALE

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Advocate for Applicant : Mr. M. N. Navandar.
Advocate for Respondent No.1 : Mr. Mahesh S. Patil.
Advocate for Respondent No.2 State : Mr. S. R. Yadav-Lonikar.

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WITH
CIVIL APPLICATION NO. 3657 OF 2016 IN FAST/6539/2016

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CORAM : K.K. SONAWANE, J.

DATED : 07TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for applicant. The learned counsel for original claimant-respondent No.1 did not turn up to this Court. The learned AGP for respondent No. 2 is present. Despite service, respondent No.3 did not cause its appearance nor filed affidavit in reply on record.

2. According to learned counsel for applicant, there are delay of near about 380 and 375 days respectively for filing both the appeals against impugned Judgment and Award passed by the learned Reference Court. The delay caused to prefer the appeals is not intentional and deliberate, but, owing to compliance of official process. The applicant has to obtain legal opinion from the concerned Department and also to grant requisite budgetary allocation for court expenses. After due compliance, applicant filed present appeals. There is delay, which is not intentional, but, caused due to unavoidable circumstances. Hence, learned counsel prayed to condone the delay.

3. Learned AGP prayed for suitable order in the interest of justice.

4. As referred above, none appears for the original claimants. Therefore, no opportunity to hear the claimants in the applications.

5. I have considered the submission advanced on behalf of both sides. Perused the relevant documents produced on record. The matters pertain to land acquisition proceedings involving public funds. According to applicant, learned Reference Court has awarded exorbitant compensation amount in favour of original claimants. I find reasonable opportunity is required to be given to the applicant to ventilate grievances in the Appellate Forum for redressal. There is sufficient cause to condone the delay. In case, the delay is not condoned, no one individual is going to affect, but the public fund is at stake. Moreover, it is rule of law that, while dealing with the application for condonation of delay, the liberal and pragmatic approach is required to be adopted by avoiding pedantic approach. Hence, I have no impediment to condone the delay. Accordingly, applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused in preferring the Appeals against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

6. After registration of appeals, list the same for hearing at the admission stage on 4th October, 2017.

[K. K. SONAWANE]
JUDGE

RRD.