

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

34 CIVIL APPLICATION NO. 7437 OF 2016
IN FAST/8986/2016

EXECUTIVE ENGINEER (P.T. AND M.I.) NO.1 THR EXECUTIVEENGINEER
MINOR IRRIGATION D

VERSUS

NARAYAN PANDHARI KORE AND ORS

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Advocate for Applicants : Mr. Shirish G. Sangle Shirish
Advocate for Respondent -Original claimant : Mr. N.R. Pawade
h/f Mr. L.C. Patil

AGP for Respondents State authorities : Mr. S.S. Dande

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WITH CA/7439/2016 IN FAST/9271/2016

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CORAM : K.K. SONAWANE, J.

DATED : 20th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant - Acquiring Body as well as learned AGP for respondent-State Authorities and learned counsel for respondents - original claimants.
2. The applicant Acquiring Body moved the present applications for condonation of delay in filing the first appeals against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition References filed under section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicant-Acquiring Body, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. Applicant No. 1 is Body corporate having its independent entity. After procuring the funds for court fees appeals 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 respondents-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 applications.

4. The learned AGP raised objection and submits that applications be rejected.

5. I have given anxious consideration to the submission canvassed on behalf of learned counsel for the parties. Considering the nature of the subject-matter and reasons mentioned in the applications, I do not find any impediment to allow the applications for condonation of delay. The public interest is involved into the matter. 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, it is imperative to grant some sort of latitude to the applicant - Acquiring Body 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 purpose of substantial 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 appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. Civil applications stand disposed of accordingly.

5. On registration of appeal, issue notice to the respondents. Learned respective counsel waives service of notice on behalf of respective respondents.

6. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

7. List the appeal for admission on 18-12-2017.

[K. K. SONAWANE]
JUDGE

MTK