

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

CIVIL APPLICATION NO. 6839 OF 2016 IN FAST/8846/2016

EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION, OSMANABAD
VERSUS
SURESH KUNDALIK PAWAR AND OTHERS

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Advocate for Applicant : Mr. S. G. Sangle.

Advocate for Respondent/s (original claimant/s) : Mr. V. V. Ingale.

AGP for Respondents State : Mr. B. V. Virdhe.

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WITH CA/6841/2016 IN FAST/9207/2016

WITH CA/6843/2016 IN FAST/9141/2016

WITH CA/6845/2016 IN FAST/9138/2016

WITH CA/6847/2016 IN FAST/9135/2016

WITH CA/6849/2016 IN FAST/9131/2016

WITH CA/6851/2016 IN FAST/9161/2016

WITH CA/6853/2016 IN FAST/9155/2016

WITH CA/6855/2016 IN FAST/9151/2016

WITH CA/6857/2016 IN FAST/9147/2016

WITH CA/6881/2016 IN FAST/9197/2016

WITH CA/6883/2016 IN FAST/9193/2016

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CORAM : K.K. SONAWANE, J.

DATED : 04TH OCTOBER, 2017.

Order :-

Heard the learned counsel for applicant - Acquiring Body and learned counsel for respondent/s (original claimant/s) as well as learned AGP for respondents State.

2. The applicant- Acquiring Body has moved the present applications for condonation of delay in filing the first appeals against impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Omerga, District Osmanabad in Land Acquisition References. 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 respondents-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 prayed for suitable order 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 applications 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 appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the 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. The civil applications are allowed in above terms and stand disposed of. Registry to take requisite steps for registration of appeals.

6. After registration of appeals, issue notice to the respondents-original claimants. Mr. V.V. Ingale waives service of notice for respondent/s-original claimant/s. Mr. B. V. Virdhe, learned AGP waives service of notice for respondents State. Meanwhile, call for record and proceedings from the concerned Reference Court. After compliance of procedural formalities, print, etc., list the matters for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.