

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

922 CIVIL APPLICATION NO. 7562 OF 2016
IN FAST/9695/2016
WITH CA/7564/2016 IN FAST/9745/2016

THE STATE OF MAHARASHTRA AND ANR
VERSUS
KADUBA MHATARJI NARWADE DECEASED THR LRS NANDUBAI
KADUBA NARWADE AND ORS

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Mr. K.D.Munde, AGP for Applicants-State.
Mr. M.B. Sandanshiv and Mr. S.H. Wagh Advocate for
Respondent Nos. 1-A to 1-E.

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CORAM : K.K. SONAWANE, J.
DATE : 26th September, 2017

ORDER:

1. Heard the learned AGP for applicant/s-state and the learned counsel for respondent/s-original claimant/s.

2. This is an application moved on behalf of the applicant for condonation of delay of 513 days for filing the First Appeal against the impugned Judgment and Award passed by Reference Court under Section 18 Land Acquisition Act.

3. According to the learned AGP, the delay caused in this appeal is not intentional or deliberate, but it has been caused due to compliance of office procedure. The matter pertains to the public fund.

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Hence, he prayed to condone the delay.

4. The learned counsel for the respondent/s-original claimant/s raised objection and submits that the delay has not been explained on behalf of the appellant-state in proper manner and, therefore, same may not be condoned.

5. I have given the anxious consideration to the argument canvassed on behalf of both sides. Perused the relevant documents.

6. Admittedly. The matter pertains to the land acquisition proceedings. The applicant State is intending to agitate the findings recorded by the learned Reference Court on the issue of market value arrived at by the learned Reference Court, which according to State, is exorbitant.

7. In view of attending circumstances, on record and the reasons mentioned in the application. I do not find any impediment to condone the delay. It is the rule of law that the liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach. Moreover, in case the delay is not condoned no one individual is to be affected, but the public funds are

(3)

at stake. Hence, the applications stands 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 further process.

8. On registration of appeal, issue notice to the respondents, returnable on 18.11.2017. The learned counsel Mr. M.B. Sandanshiv waives notice for respondent/s-original claimant/s.

9. Call record and proceedings from the concerned Reference Court.

10. After compliance of the procedural formalities, appeals be listed for final hearing on merit at the stage of admission, on 18.11.2017.

(K.K. SONAWANE, J.)

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