

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

43 CIVIL APPLICATION NO. 11964 OF 2012
IN FAST/10017/2012

THE STATE OF MAHARASHTRA AND ANR
VERSUS
MALHARI GIRJAPPA WADKAR

...
AGP for Applicants - State: Mr. S.R. Yadav
Advocate for Applicants : Mr. Nandagavale h/f Mr. V.G. Sakolkar
...

CORAM : K.K. SONAWANE, J.

DATED : 4th DECEMBER, 2017.

Order :-

1. Heard learned AGP for applicants and learned counsel for respondent-original claimant.
2. This application is moved for condonation of delay in filing First appeal against impugned judgment and order passed by the learned Reference Court in Land Acquisition References filed under section 18 of the Land Acquisition Act, 1894. According to learned AGP the delay caused in filing the appeal is not intentional or deliberate but it caused due to compliance of official procedure as well as budgetary allocation for court fees and other expenses. Therefore, learned AGP prays for condonation of delay in the interest of justice.
3. The learned counsel for respondent-original claimant raised objection and submits that reasons mentioned in the application are not satisfactory and considerable for condonation of delay. There is huge delay in filing the appeal. Hence, he requested not to nod in favour of applicant.
4. I have given anxious consideration to the arguments advanced on behalf of both sides. Perused the record and proceedings as well as relevant documents produced on record. Admittedly, the applicants/appellants are the Government authorities. The applicants

are intending to file appeal against impugned judgment and award passed by the learned Reference Court under section 18 of the Land Acquisition Act, 1984. According to learned AGP, exorbitant market value came to be granted by the learned Reference Court for the land under acquisition. In such circumstances, it would be justifiable to provide reasonable opportunity to the Government Authorities to ventilate their grievances to the Appellate Forum for redressal. 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. In view of attending circumstances, it is also imperative to grant some sort of latitude in favour of applicants being Government for compliance of documentary formalities. In case, delay is not condoned, no one individual would be affected, but the public funds are at stake. Hence, I do not find any impediment to condone the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would subserve the purpose for substantial justice. Hence, the application for condonation of delay deserve to be allowed. In sequel, the application 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 registration of appeal. The civil application is allowed in above terms and stand disposed of.

5. On registration of appeal, issue notice to the respondent-original claimant.

6. Mr. Sakolkar, learned counsel waives service of notice for respondent-original claimant.

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

8. List the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

mtk.