

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

**923 CIVIL APPLICATION NO. 7811 OF 2016
IN FAST/10441/2016**

WITH CA/7804/2016 IN FAST/10962/2016
WITH CA/7807/2016 IN FAST/10956/2016
WITH CA/7814/2016 IN FAST/10966/2016
WITH CA/7816/2016 IN FAST/10959/2016
WITH CA/7819/2016 IN FAST/10952/2016
WITH CA/7821/2016 IN FAST/10984/2016
WITH CA/7823/2016 IN FAST/10981/2016
WITH CA/7828/2016 IN FAST/10973/2016
WITH CA/7830/2016 IN FAST/10969/2016
WITH CA/7833/2016 IN FAST/11080/2016
WITH CA/7838/2016 IN FAST/11077/2016
WITH CA/7840/2016 IN FAST/11071/2016
WITH CA/7842/2016 IN FAST/11065/2016
WITH CA/7845/2016 IN FAST/11059/2016
WITH CA/7853/2016 IN FAST/11055/2016
WITH CA/7857/2016 IN FAST/10987/2016
WITH CA/7861/2016 IN FAST/11068/2016

EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION, OSMANABAD NOW
UNDER THE GMIDC LTD.

VERSUS

RAM VITTHAL KULKARNI AND ORS

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Advocate for Applicant : Mr. Shirish G. Sangle

Advocate for respondents/or. Claimants: Mr. R.V. Naiknaware, Mr. R.A.
Deshmukh and Mr. D.D. Sarwade Patil

AGP for Respondents No.2 and 3 : Mr. S.S. Dande

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CORAM : K.K. SONAWANE, J.

DATED : 3rd NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants - Acquiring Body as well as learned counsel for respondents - original claimants and learned AGP for respondent - State authorities.

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, 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 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 raised objection and submits that reasons mentioned in the applications 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 applicants.

4. The learned AGP for respondents No. 2 and 3 submits for suitable orders in the interest of justice.

5. I have given anxious consideration to the arguments advanced on behalf of both sides. Perused the record and proceedings and relevant documents produced on record. 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 appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. 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.

6. The civil applications are allowed in above terms and stand disposed of accordingly. Registry to take requisite steps for registration of appeals.

7. On registration of appeals, issue notice to the respondents. Learned counsel for respective respondents waive service of notice.

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

9. List the matters for admission in due course.

sd/-
[K. K. SONAWANE]
JUDGE

mtk.