

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

**935 CIVIL APPLICATION NO. 9169 OF 2016 IN FAST/12256/2016**

THE STATE OF MAHARASHTRA AND ANR  
VERSUS  
GOKUL PRATISHTHAN THR ITS PRESIDENT MADHUKAR SHANKARRAO  
KULKARNI

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AGP for Applicants : Mr. S.S. Dande  
Adv. for Respondents: Mr. Girish Kulkarni

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**WITH CIVIL APPLICATION NO. 9171/2016 IN FAST/12299/2016**

**CORAM : K.K. SONAWANE, J.**

**DATED : 3<sup>rd</sup> NOVEMBER, 2017.**

**Order :-**

1. Heard learned AGP for applicant and learned counsel for respondents-original claimants.
2. These applications moved for condonation of delay in filing First appeals 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 appeals 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 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 appeals. Hence, he requested not to nod in favour of applicants.
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 appeals 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 respondents. In contrast, it would subserve the purpose for 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 appeals. The civil applications are allowed in above terms and stand disposed of.

5. On registration of appeals, issue notice to the respondents-original claimants.

6. Mr. G. A. Kulkarni, learned counsel waives service of notice for respondent/s-original claimant/s.

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

8. List the appeals for admission in due course.

**[ K. K. SONAWANE ]**  
**JUDGE**