

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

**CIVIL APPLICATION NO. 1659 OF 2015
IN
FIRST APPEAL STAMP NO. 12629 OF 2014**

Godawari Marathwada Irrigation
Development Corporation, Latur

...APPLICANT

versus

Ramchandra Madhavrao Wakle and others

...RESPONDENTS

.....
Mrs. Kalpalata B. Bharaswadkar, Advocate for applicant
Mr. R.B. Bagul, AGP for respondents No. 4 and 5

.....
WITH
CIVIL APPLICATION NO. 1655 OF 2015 IN FIRST APPEAL ST. NO 12647 OF 2014
CIVIL APPLICATION NO. 1650 OF 2015 IN FIRST APPEAL ST. NO 12327 OF 2014

CORAM : K.K. SONAWANE, J.

DATED : 21st AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicant-appellant and learned AGP for respondents No. 4 and 5. Despite service, none has caused appearance on behalf of respondents-original claimants.

2. The learned counsel for the applicant-Acquiring Body submits that the applicant Acquiring Body was not made party in the Reference Petitions filed under section 18 of the Land Acquisition Act before the learned Reference Court, Latur. The original claimants ought to have made Acquiring Body as party in this matter. Therefore, the applicant-Acquiring Body had no knowledge about the impugned Judgment and Award passed by the learned Reference Court. After getting knowledge of the impugned Judgment and Award passed by the Reference Court, the Acquiring Body is intending to prefer the appeals, but there is

delay. The delay so caused in preferring the appeals is not intentional or deliberate, but it is because of due to lack of knowledge. The learned counsel prayed for allowing the applications for condonation of delay.

3. The learned AGP for respondents – State authorities fairly conceded that suitable order may be passed in the interest of justice.

4. I have given anxious consideration to the arguments advanced on behalf of the applicant and learned AGP. We have also perused the relevant documents. Admittedly, Acquiring Body was not impleaded as party respondent in the Reference Petitions filed before the learned Reference Court at Latur. Obviously, the legal infirmity for not impleading the Acquiring Body as party respondent is required to be considered at the time of final hearing of the appeals. At this juncture, I find sufficient cause to condone the delay. In case, the delay is not condoned, it would cause injustice and prejudice to the applicant-Acquiring Body. Therefore, reasonable opportunity is essential to be granted to the applicant to ventilate its grievance before the Appellate Forum. In such circumstances, applications deserve to be allowed. Accordingly, the applications stand allowed in terms of prayer clause "B". The delay caused in preferring the appeals against Judgment and Awards of the Reference Court is hereby condoned. Registry to take requisite steps for further process.

5. The civil applications for condonation of delay stands disposed of in aforesaid terms.

6. After registration of appeal, issue notice to respondents, returnable on 25th September, 2017. The learned AGP waives service of notice for respondent – State authorities.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK