

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 1363 OF 2017
IN FAST/14561/2016 WITH

MAHARASHTRA STATE INDUSTRIAL DEVELOPMENT CORPORATION THR
DIVISIONAL OFFICE, LATUR

VERSUS

SHAIKH GAFFAR ALLAUDDIN SHAIKH AND ANR

Advocate for Applicant : Mr. Shrirang S. Dande
AGP for Respondents: Mr. B.V. Virdhe

CORAM : K.K. SONAWANE, J.

DATE : 14th November, 2017.

PER COURT:

1] Heard learned counsel for the applicant/Acquiring Body and learned counsel for the respondents original claimants as well as learned AGP.

2] Perused the application. This is an application for condonation of delay of 186 days caused for filing the first appeal against the impugned judgment and award passed by the learned Reference Court. Learned Counsel for applicant/s submits that is not deliberate and intentional but caused due to official procedure. As such, he prayed to condone the delay.

3] Learned counsel for the respondents raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay.

4] I have heard the submission canvassed on behalf of both sides and perused the application as well as the impugned judgment and award against which the applicant Acquiring Body is intending to file an appeal.

5] The matter pertains to land acquisition proceedings. The learned Reference Court partly allowed the application of the respondent filed under Section 18 of the Land Acquisition Act. The applicant Acquiring

Body 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 Acquiring Body, is exorbitant.

6] I am of the considered opinion that reasonable opportunity needs to be given to the applicant Acquiring Body to ventilate its grievances in the appellate forum. It is to be noted that the matter pertains to the enhancement of compensation amount under the Land Acquisition Act. The appellant is the Government Agency i.e. Acquiring Body and in view of public interest, it is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. If the appeal/s of the appellant acquiring body is/are not allowed to be presented for further process on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicant/ Acquiring Body to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest 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 appeal against the impugned judgment and award is hereby condoned.

7] Registry to take requisite steps for registration of appeal. After registration of appeal issue notice to respondents. Shri R.R. Shaikh, learned counsel waives notice for respondent No.1. Shri B.V. Virdhe, AGP waives notice for respondent NO.2. Meanwhile, call for R.& P. from the concerned reference Court. After receipt of R.& P. matter be listed in due course.

[K.K. SONAWANE]
JUDGE.

grt/-