

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

48 CIVIL APPLICATION NO. 2883 OF 2017
IN FAST/14751/2016

RAJABHAU VENKATRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. N.R. Pawade h/f Mr. Laxmikant C. Patil
AGP for Respondents: Mr. S.R. Yadav

CORAM : K.K. SONAWANE, J.

DATED : 20th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the parties.
2. Issue notice to respondents. Learned Assistant Government Pleader waives service for respondents.
3. Perused the application. It appears that applicant has filed present application for condonation of 43 days delay caused in filing the appeal against the impugned judgment and award passed by the learned Reference Court in the Land Acquisition Reference under section 18 of the Land Acquisition Act, 1894. According to learned counsel, the delay of 43 days caused in filing the appeal is not intentional or deliberate, but it caused due to unavoidable circumstances, which prevented the applicant to approach this Court within stipulated period. The learned AGP fairly conceded for suitable orders in this 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. In case delay is not condoned, it would caused injustice and prejudice to the applicant, who is intending to approach to the Appellate Forum for enhancement of compensation granted by learned Reference Court.

Hence, application deserves to be allowed. In sequel, the application is allowed in terms of prayer clause "B". The delay caused in filing the first appeal against impugned Award is hereby condoned. Registry to take requisite steps for further process. The civil application is disposed of accordingly.

4. On registration of appeal, issue notice for admission of the appeal to respondents. Learned Assistant Government Pleader waives service for respondents

5. Call for record and proceedings.

6. After receipt of R & P, list the matter for admission in due course.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK