

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

**943 CIVIL APPLICATION NO. 11137 OF 2016
IN FAST/14242/2016**

EXECUTIVE ENGINEER, (K.K.V.M.) OSMANABAD THR EXECUTIVE
ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
VERSUS

ASHRUBA CHANGDEO BHORE AND ORS.

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Advocate for Applicant : Mr. Shirish G. Sangle
AGP for Respondents No.2 and 3 : Mr. B.V. Virdhe

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WITH CA/11139/2016 IN FAST/14882/2016
WITH CA/11141/2016 IN FAST/14888/2016

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CORAM : K.K. SONAWANE, J.

DATED : 3rd NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant-Acquiring Body as well as learned AGP for respondent Nos 2 and 3. Learned counsel for respondents -original claimants is absent
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 AGP for respondents No. 2 and 3 submits for suitable orders in the interest of justice.

4. As referred above, respondents-original claimants remained absent, therefore, no opportunity for hearing them in the present applications is received to this Court. 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 applications 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 appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. Civil applications stand disposed of accordingly.

5. On registration of appeals, issue notice to the respondents. Learned AGP waives service of notice for respondents No. 2 and 3.

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

7. List the appeal for admission in due course.

Sd/-
[K. K. SONAWANE]
JUDGE

mtk.