

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

35 CIVIL APPLICATION NO. 8125 OF 2016
IN FAST/16486/2016

ANKUSH HINDU JADHAV
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND OTHER

...
Advocate for Applicant : Mr. Anant R. Devakate
AGP for Respondent No. 1: Mr. S.R. Yadav

WITH CA/8126/2016 IN FAST/15991/2016

CORAM : K.K. SONAWANE, J.

DATED : 20th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants and learned AGP for respondents No. 1 and 3. Despite service, none appears on behalf of respondent No. 2.

2. Perused the applications and relevant documents produced on record. These are the applications for condonation of 370 days delay for filing the first appeals against the Land Acquisition References filed under section 18 of the Land Acquisition Act, 1984. According to applicant-original claimants, the delay caused in filing the appeals is not deliberate and intentional, but it caused due to unavoidable circumstances. The applicants have every hope of success in the appeal. Therefore, learned counsel prayed to condone the delay.

3. In view of aforesaid submission and reasons mentioned in the applications, I find there is no impediment to condone the delay. The matter pertains to the land acquisition as well as determination of market value for the acquired land. A reasonable opportunity is essential to be granted to the applicants to ventilate grievance before

the Appellate Forum for redressal. Hence, applications deserve to be allowed. Accordingly, applications stand allowed in terms of prayer clause "B". The delay caused in filing the First appeals against impugned Award is hereby condoned. Registry to take requisite steps for further process.

4. On registration of appeals, issue notice for admission of the matters to the respondents. Learned AGP waives service of notice for respondents No. 1 and 3.

5. Meanwhile, call for record and proceedings from concerned Reference Court.

6. After service of notice to remaining respondent, list the matters for admission in due course.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK