

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

CIVIL APPLICATION NO. 1046 OF 2017
IN FAST/16289/2016

EXECUTIVE ENGINEER, LIFT IRRIGATION PROJECT DIV., Osmanabad
THR

VERSUS

DNYANDEO BHAURAO SURYAWANSHI & ORS.

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Advocate for Applicant : P.R. Tandle
Respondents/claimants : Mr. S.N. Patne
Respondent for AGP: Mr. K.D. Munde

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WITH CA/1052/2017 IN FAST/16438/2016
WITH CA/1057/2017 IN FAST/16429/2016
WITH CA/10566/2017 IN FAST/16456/2016
WITH CA/10572/2017 IN FAST/16469/2016

CORAM : K.K. SONAWANE, J.

DATED : 26TH September, 2017.

Order :-

1. Heard the learned counsel for applicant-Acquiring Body as well as learned counsel for Mr. S.N. Patne for respondent/s-original claimant/s and AGP for respondent no. 7/State in the applications.

2. The applicants moved the present applications for condonation of delay in filing the first appeals against impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Osmanabad in Land Acquisition References. 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 etc. appeal 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 counsel for respondent/s-original claimant/s submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of application.

4. Perused the application. Considering the nature of the subject-matter and reasons mentioned in the application, I do not find any impediment to allow the applications for condonation of delay. The public interest is involved in these matters. 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. Therefore, reasonable latitude is required to be given 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 interest of justice. Hence, the applications for condonation of delay deserves 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 and list the matter for further process in due course.

5. The civil applications are allowed in above terms and stand disposed of.

(K. K. SONAWANE, J.)

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