

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**934 CIVIL APPLICATION NO. 9654 OF 2014
IN FAST/18759/2014
WITH
CA/9657/2014 IN FAST/18894/2014**

EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION OSMANABAD
VERSUS
DEVIDAS BABARAO BOCHARE DIED LRS BEBESHAN DEVIDAS
BOCHARE AND OTHERS

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Advocate for Applicant : Mr. Sangle Shirish G.
AGP for Respondent Nos.9 & 10: Mr. B.V. Virdhe

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CORAM : K.K. SONAWANE, J.

DATE : 27th September, 2017

PER COURT :

1. Heard learned counsel for the applicant and learned A.G.P. for respondent Nos.9 and 10-State. Despite of service of notice to rest of the respondents, none appears on their behalf. These applications are filed for condonation of delay of 705 and 709 days respectively caused in filing the First Appeal against the impugned Judgment and Award passed by the learned reference Court, Osmanabad.

2. According to the learned counsel for the applicant-Acquiring Body, the delay caused in filing the Appeals against the impugned Judgment and Award is not intentional or deliberate, but it is caused due to official process, as the applicant which is functioning under the administrative control of the Maharashtra Krishna Valley Development Corporation Ltd., Pune. In case, the delay is not condoned, it would cause prejudice and injustice to the applicant-Acquiring Body. Hence, he prayed to condone the delay.

3. The learned counsel for respondent Nos.9 and 10 have no objection to condone the delay.

4. As referred supra, the notices are already served to rest of the respondents, but they did not appear in these matters. The present applications are pending since the year 2014.

5. I have considered the submissions of the learned counsel for the applicant-Acquiring Body and also perused the relevant documents. Admittedly, these

matters pertain to Land Acquisition proceedings. It has been alleged that the concerned reference Court has granted the exorbitant amount than the market value prevailing in the area for the acquired lands of the respondents. In such circumstances, I find it justifiable to grant reasonable opportunity to the acquiring body to ventilate its grievances in the Appellate Forum. 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. In such situation, applications stand allowed in terms of prayer clause "B". The delay so caused in preferring the appeals against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

6. On registration of Appeal, issue notice to the respondents. Learned A.G.P. waives service of notice on behalf of respondent Nos.9 and 10-State.

7. Call record and proceedings from the concerned reference Court.

8. After compliance of procedural formalities, list the Appeals for admission in due course.

(K.K. SONAWANE, J.)