

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

927 CIVIL APPLICATION NO. 16205 OF 2016
IN FA/114/2014

BALU SAHEBRAO DANGADE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. S. S. Choudhary
AGP for Respondent No. 1 : Mr. S.S. Dande
Advocate for Respondent No. 3 : Mr. Gulab Rajale
...

CORAM : K.K. SONAWANE, J.

DATED : 28th NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants-appellants, learned AGP for respondents No. 1 and 2 and learned counsel for respondent No. 3.
2. Perused the application. The matter pertains to land acquisition proceeding. The appellants failed to pay printing charges / Bhatta within stipulated period, therefore, appeal came to be dismissed for want of prosecution under order dated 07-10-2014. Learned counsel for the applicants submits that due to unavoidable circumstances, the office objection i.e. depositing of printing charges / Bhatta were not deposited. Therefore, he prayed to allow the application.
3. Learned counsel for respondent - Acquiring Body raised objection on the ground of lackadaisical and lethargic approach on the part of the applicants. He prayed to impose the cost for restoration of the present appeal.

4. In view of nature of subject-matter and submissions advanced on behalf of both sides, I find that reasonable opportunity is required to be given to the applicants to pursue the matter. The applicants are original claimants and they approached to the court for enhancement of compensation after acquisition of the land by respondent. In such circumstances, it would be fallacious to impose cost on the applicants for their mistake of not depositing the printing charges/Bhatta within stipulated period.

5. In view of aforesaid discussion, application stands allowed in terms of prayer clause "B". The delay caused in filing the present application stands condoned. The order dated 07-10-2014 is hereby quashed and set aside. The appeal is restored to its original stage on condition that the appellants shall deposit requisite printing charges / Bhatta within a period of six weeks from the date of restoration of the appeal. Failure to which, present order passed by this Court shall stand vacated automatically without further reference to this Court.

4. Civil application stands disposed of accordingly.

Sd/-
[K. K. SONAWANE]
JUDGE

MTK.