

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

CIVIL APPLICATION NO. 10435 OF 2016 IN FAST/20331/2016

THE DEPUTY ENGINEER,(NIRMAN) CENTRAL RAILWAY,
RAILWAYSTATION, SOLAPUR PROP. PART
VERSUS
SHEKA GHANSHYAM PATIL AND OTHERS

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Advocate for Applicant : Mr. Manish N. Navandar.
Advocate for Respondent-original claimants : Ms. R.V. Ghogare h/f.
Mr. R. V. Naiknavare.
AGP for Respondents State and SLAO : Mr. S. S. Dande.

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**WITH CA/10423/2016 IN FAST/20492/2016
WITH CA/10424/2016 IN FAST/20492/2016
WITH CA/10425/2016 IN FAST/20477/2016
WITH CA/10427/2016 IN FAST/20480/2016
WITH CA/10429/2016 IN FAST/20483/2016
WITH CA/10431/2016 IN FAST/20489/2016
WITH CA/10433/2016 IN FAST/20486/2016**

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CORAM : K.K. SONAWANE, J.

DATED : 10TH NOVEMBER, 2017.

Order :-

Heard Mr. Navandar, learned counsel for the applicant and Mr. Ghogare, learned counsel appearing for respondent/s (original claimant/s) and learned AGP for respondents – State of Maharashtra and Special Land Acquisition Officer.

2. The present applications pertain to the condonation of delay of 1089 days for filing first Appeal against the impugned Judgment and Award passed by the learned Reference Court under Section 18 of the Land Acquisition Act, 1894. According to learned counsel for applicant, the so-called delay caused for filing appeal is not intentional and deliberate, but caused due to compliance of procedural formalities. It has been submitted that the learned Reference Court has awarded exorbitant market price to the lands under acquisition and the applicant is intending to agitate the findings expressed by learned Reference Court before the Appellate Forum. Hence, learned counsel for applicant prayed to condone the delay.

3. The learned counsel for respondents-original claimants submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

4. Perused the applications. 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. Admittedly, the public interest is involved in the matter. In case, the delay is not condoned, no one individual would be affected, but the public funds are at stake. 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). The delay caused for filing First Appeal against impugned Judgment and Award is hereby condoned. Accordingly, civil applications stand disposed of. Registry to take requisite steps for further process.

5. On registration of appeal, issue notice for admission to respondents-original claimants. Mr. R. V. Ghogare, learned counsel waives service of notice for respondents-original claimants. Learned AGP waives service of notice for respondents- The State of Maharashtra and Special Land Acquisition Officer. Meanwhile, call for record and proceedings from the concerned Reference Court. After receipt of record and proceedings, list the matters for final hearing at the admission stage on merit in due course.

[K. K. SONAWANE]
JUDGE