

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**9 CIVIL APPLICATION NO. 1186 OF 2017
IN FAST/21512/2016**

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT, LATUR
THR GMIDC AURANGABAD
VERSUS
NILKANTH NIVARUTI INGALE AND ANR.

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Advocate for Applicant : Mr. Gaddime Arvind N.
AGP for Respondent No.2 : Mr. K.D. Munde
None appears for Respondent No.1

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CORAM : K.K. SONAWANE, J.

DATE : 27th September, 2017

PER COURT :

1. Heard learned counsel for the applicant-Acquiring Body and learned A.G.P. for respondent No.2-State. Despite service of notice, none appears for respondent No.1 - original claimant. This is an application for condonation of delay of 1251 days caused in filing First Appeal on behalf of Acquiring Body.

2. Learned counsel for the applicant-Acquiring Body submits that the delay caused in filing the Appeal is not intentional or deliberate, but it is caused due official process. The applicant is the independent agency. After impugned Judgment and Award, the matter was processed in the office of the applicant for requisite legal action. After seeking permission and due compliance of procedure and formalities, applicant preferred the appeal with present application for condonation of delay. According to the learned counsel for the applicant, the delay has been caused due to unavoidable circumstances, and hence he prayed to condone the delay.

3. The learned A.G.P. submits that the suitable order may be passed in the interest of justice. As referred above, none appears for respondent No.1-original claimant, even after service of notice. Considering the nature of the subject-matter, I prefer to proceed further for adjudication of application on merit in absence of respondent No.1-original claimant.

I have considered the submissions advanced on behalf of the learned counsel for the applicant. Perused the relevant documents produced on record.

4. Admittedly, this matter pertains to the Land Acquisition proceeding for enhancement of compensation amount. According to the applicant, the compensation awarded to respondent No.1 is exorbitant. In view of the reasons mentioned in the application, I find that reasonable opportunity is required to be given to the applicant to ventilate its grievances in Appellate Forum against the compensation amount determined by the learned reference Court. 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, this application stands allowed in terms of prayer clause "B". The delay so caused in preferring the appeal against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for

further process.

5. On registration of Appeal, issue notice to the respondents. Learned A.G.P. waives service of notice on behalf of respondent No.2.

6. Call record and proceedings from the concerned Court.

7. After compliance of formalities, place the appeal for admission in due course.

(K.K. SONAWANE, J.)