

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

944 CIVIL APPLICATION NO. 11889 OF 2016 IN FAST/23713/2016

EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT, NOW LATUR MINOR
IRRIGATION DIV., LATUR UNDER G.M.I.D.C., AURANGABAD.

VERSUS

APPARAO GANGARAM GUDE

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Advocate for Applicant No.1 : Mr. B.R. Surwase

AGP for Applicant No.2 : Mr. B. V. Virdhe.

Advocate for Respondent (Original claimant) : Mr. S. V. Gundre.

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WITH CA/11892/2016 IN FAST/23717/2016

WITH CA/11894/2016 IN FAST/23707/2016

WITH CA/11897/2016 IN FAST/23722/2016

CORAM : K.K. SONAWANE, J.

DATED : 3rd NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant No.1-Acquiring Body as well as learned AGP for applicant No. 2 and learned counsel for respondent/s (original claimant/s).

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 Reference Court in the Land Acquisition References under Section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicants, 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 No.1 is Body corporate having its independent entity. After procuring the funds for court fees, appeals came to be filed, however, there is delay in filing the appeals. According to learned counsel for applicants, delay so caused is not intentional or deliberate, but caused due to compliance of official process.

3. The learned counsel for respondent/s (original claimants) submits the so-called delay caused in filing appeals is not explained satisfactorily and prayed to reject the applications.

4. I have given anxious consideration to the submissions advanced on behalf of the both parties. Considering the nature of the subject-matter and reasons mentioned in the applications, I do not find any impediment to allow the applications for condonation of delay. It would not cause any prejudice or injustice to the respondents-original claimants and 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, I do not find any impediment to grant some sort of latitude 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 will sub-serve the purpose for substantial justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the civil applications stand allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals.

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

[K. K. SONAWANE]
JUDGE

MTK