

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

**CIVIL APPLICATION NO. 12522 OF 2016
IN
FIRST APPEAL STAMP NO. 25160 OF 2016**

Executive Engineer,
Latur Minor Irrigaion Division Latur
and another

...APPLICANTS

versus

Jivan S/o Kananhailal Gavali since dead
Through his L.Rs. and others

...RESPONDENTS

.....
Mr. Shirish G. Sangle, Advocate for applicants
Mr. H.B. Nandagavale, Advocate holding for
Mr. V.G. Sakolkar, Advocate for respondent Nos. 1 and 3
.....

WITH

CIVIL APPLICATION NO. 15065 OF 2016 IN FIRST APPEAL ST.NO. 14239 OF 2016
CIVIL APPLICATION NO. 15067 OF 2016 IN FIRST APPEAL ST.NO. 14885 OF 2016
...

CORAM : K.K. SONAWANE, J.

DATED : 14th SEPTEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant-Acquiring Body as well as learned counsel for respondents-original claimants in the applications.
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 Civil Judge, Senior Division, Ahmedour, District Latur in LAR Nos. 87, 88 and 89 of 2012. The Reference Court passed the impugned Judgment and Award in the month of September, 2012. According to learned counsel for the applicant-Acquiring Body, 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 appeal 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 respondents-original claimants inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

4. 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 is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the applications 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 would sub-serve the interest of justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals and list the matter for further process on 6th October, 2017.

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

[K. K. SONAWANE]
JUDGE

