

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO. 13386 OF 2012
IN
FAST/25987/2012
WITH
CA/13388/2012 IN FAST/26038/2012
WITH
CA/13390/2012 IN FAST/26041/2012

THE STATE OF MAH
VERSUS
VIJAY PANDURANG KULKARNI AND ANR

...

Mr. S.R. Yadav, A.G.P. for the applicants/State
Mr. N.R. Pawale, Advocate, holding for
Mr. Mr.L.C. Patil, Advocate for Respondent No.1
...

CORAM : K.K. SONAWANE, J.

DATE : 22nd September, 2017

PER COURT :

1. Heard learned A.G.P. for the applicant-State,
learned counsel for respondent No.1 and none appears
for respondent No.2.

2. Learned A.G.P. submits that due to compliance
of official procedure to present an appeal, delay has

been caused. He submits that delay is not deliberate and intentional but owing to administrative compliance. As such, he prayed to condone the delay.

3. Learned counsel for respondent No.2 raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay.

4. I have heard the submission canvassed on behalf of both sides and perused the application as well as the impugned judgment and award against which the applicant State is intending to file an appeal.

5. The matter pertains to land acquisition proceedings. The learned Reference Court partly allowed the application of the respondent filed under Section 18 of the Land Acquisition Act. The applicant State is intending to agitate the findings recorded by the learned Reference Court on the issue of market value arrived at by the learned Reference Court, which according to State, is exorbitant.

6. I am of the considered opinion that reasonable opportunity needs to be given to the applicant-State to ventilate its grievances in the appellate forum. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for condonation of delay. Therefore, I do not find any impediment to grant some sort of latitude to the applicant-State to present an appeal 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 application for condonation of delay deserve to be allowed. In sequel, 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 appeal.

(K.K. SONAWANE, J.)

