

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

921 CIVIL APPLICATION NO. 4261 OF 2013 IN FAST/26154/2012

THE STATE OF MAH AND ANR
VERSUS
NIVRUTTI TULSHIRAM SURNAR

...
AGP for Applicants State : Mr. C. V. Dharurkar.

...
WITH CA/4263/2013 IN FAST/26209/2012
WITH CA/4267/2013 IN FAST/26215/2012
WITH CA/4271/2013 IN FAST/26221/2012
WITH CA/4273/2013 IN FAST/26224/2012
WITH CA/4275/2013 IN FAST/26228/2012
WITH CA/4281/2013 IN FAST/26237/2012
WITH CA/4283/2013 IN FAST/26245/2012

CORAM : K.K. SONAWANE, J.

DATED : 23rd AUGUST, 2017.

Order :-

1. Heard learned AGP for the applicants. Though, the respondents-original claimants are served, none has caused appearance on their behalf.
2. Perused the applications and relevant documents produced on record. According to learned AGP, there is delay of 1535 days caused in filing the appeals against the impugned Judgment and Award passed by the learned Reference Court. Learned AGP submits that due to official procedure to present the appeals, delay has been caused. He submits that delay is not deliberate and intentional but caused owing to administrative compliance. As such, he prayed to condone the delay.
3. I have heard the learned A.G.P. for the respondent State. Perused the application as well as the impugned Judgment and Award against which the applicants-State authorities are intending to file the appeals.

4. I am of the considered opinion that reasonable opportunity needs to be given to the applicants to ventilate its grievances in the Appellate Forum. It is to be noted that the matters pertain to the enhancement of compensation amount under the Land Acquisition Act, 1894. The appellants are the Government Agencies i.e. Acquiring Body and in view of public interest, it is imperative to extend some sort of latitude while dealing with the applications for condonation of delay, by adopting liberal and pragmatic approach. If the appeals of the appellants- acquiring body are not allowed to be presented for further process on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicants - State authorities to present appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents-original claimants, though, they are served, none has caused appearance on their behalf. 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). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. The Registry to take requisite steps for registration of appeals and list the same for further process along with applications for stay on 30th October, 2017.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK