

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

6 CIVIL APPLICATION NO. 15115 OF 2016
IN FAST/26834/2016 WITH CA/15117/2016 IN FAST/27334/2016
WITH CA/15119/2016 IN FAST/27328/2016

EXECUTIVE ENGINEER, IRRIGATION PROJECT
STRENGTHENING(MAJBUTIKARAN) DIV., OMERGA THR
VERSUS
KASHINATH RAMU BANDGAR

...
Advocate for Applicant : Mr. Arvind N. Gaddime.
Advocate for Respondent sole : Mr. S. A. Wakure.

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7 CIVIL APPLICATION NO. 15178 OF 2016
IN FAST/27900/2016 WITH CA/15180/2016 IN FAST/29771/2016
WITH CA/15182/2016 IN FAST/29708/2016 WITH
CA/15184/2016 IN FAST/29774/2016

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV.,OMERGA(NOW UNDER THE M.
VERSUS
BAPURAO BABU WAIKAR AND ORS

...
Advocate for Applicant : Mr. Shirish G. Sangle
Advocate for Respondent No.1 : Mr. Sanjay A. Wakure.

...

CORAM : K.K. SONAWANE, J.

DATED : 22ND AUGUST, 2017.

Order :-

1. Heard learned counsel for the applicants and learned counsel for the respondents - claimants.
2. Perused the applications. Learned Counsel for applicants 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. Learned counsel for the respondent 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. Perused the applications as well as the impugned Judgment and Award against which the applicant - Acquiring Body is intending to file the appeals.

5. The matter pertains to land acquisition proceedings. The learned Reference Court partly allowed the petitions of the respondents-original claimants filed under Section 18 of the Land Acquisition Act, 1894. The applicant - Acquiring Body 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. The applicant has to obtained budgetary allocation from various authorities of the Government Department. Due to lack of funds, the appeals could not be filed within stipulated period. However, with great efforts the applicant- Acquiring Body made necessary arrangement of finance for requisite court fees etc., and thereafter, preferred the present appeals with applications for condonation of delay. The impugned delay was not intentional and deliberate but owing to compliance of official process.

6. I am of the considered opinion that reasonable opportunity needs to be given to the applicant - Acquiring Body 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 appellant is the Government Agency 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 appellant - 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-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 purpose of substantial 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 appeals against the impugned Judgment and Award is hereby condoned. The Registry to take requisite steps for registration of appeals and list the matters for further process on 29th September, 2017.

Sd./-

[K. K. SONAWANE]
JUDGE

RRD.