

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

944 CIVIL APPLICATION NO. 13173 OF 2016
IN FAST/28149/2016

THE STATE OF MAHARASHTRA
VERSUS
RAVANSIDHA DATTATRAYA LAMJANE AND ORS

...

Advocate for Applicant : Mr. B.V. Virdhe

Adv. for Respondents : Mr. R.P. Bhumkar

CORAM : K.K. SONAWANE, J.

DATE : 6th October, 2017.

PER COURT:

1] Heard learned AGP for the applicant and learned counsel for the respondents original claimants.

2] Perused the application. Learned Counsel for applicant/s submits that due to official procedure to present an appeal, delay of 1030 days has been caused. He submits that delay is not deliberate and intentional but caused owing to compliance of procedural formalities. 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 and perused the application as well as the impugned judgment and award

against which the applicant State is intending to file an appeal. In view of nature of subject matter and reasons mentioned in the application, I do not find any impediment to condone the delay. The matter pertains to determination of market value of the land under acquisition. According to learned AGP, exorbitant amount has been determined by the learned Reference court towards market value of the acquired land. Therefore, the applicant State is intending to agitate the findings of the learned Reference Court.

5] 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 to be noted that the matter pertains to the enhancement of compensation amount under the Land Acquisition Act. The appellant is the State Government and in view of public interest, it is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. If the appeal/s of the appellant acquiring body is/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 applicant State to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondents/original claimants. 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 of 1030 days caused in filing appeal against the impugned

judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal.

5] On registration of appeal, issue notice to respondents. The learned counsel Shri. Bhumkar waives notice for respondent-original claimant. Call for R.& P from the concerned Reference Court. After receipt of R.& P. and compliance of official process, list the matter for admission after 12 weeks.

[K.K. SONAWANE]
JUDGE.

grt/-