

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

**948 CIVIL APPLICATION NO. 12934 OF 2016
IN FAST/28304/2016**

THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ZILLA PARISHAD,
AURANGABAD AND ANR
VERSUS
VILAS DNYANESHWAR SHINDE

...
Advocate for Applicants : Mr. D.B. Pawar
Advocate for respondents - ori. Claimants : Mr. M.B. Sandanshiv

...
WITH CA/12945/2016 IN FAST/28279/2016
WITH CA/12947/2016 IN FAST/28284/2016
WITH CA/12950/2016 IN FAST/28293/2016
WITH CA/12952/2016 IN FAST/28297/2016

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CORAM : K.K. SONAWANE, J.

DATED : 03rd NOVEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants - Acquiring Body/authorities and learned counsel for respondents - original claimants.

2. The applicant No. 1 - Acquiring Body moved the present applications for condonation of delay in filing the first appeals against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition References filed under section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicants, 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 appeals came to be filed, however, there is delay in filing the appeals. According to learned counsel for applicant, delay so caused is not intentional or deliberate, but caused due to compliance of official process.

3. The learned counsel for respondents-original claimants raised

objection and submits that reasons mentioned in the applications are not satisfactory and considerable for condonation of delay. There is huge delay in filing the appeal. Hence, he requested not to nod in favour of applicants.

4. I have given anxious consideration to the arguments advanced on behalf of both sides. Perused the record and proceedings and relevant documents produced on record. 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. The public interest is involved into the matter. 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, it is imperative 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 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. Registry to take requisite steps for registration of appeals. Civil applications stand disposed of accordingly.

5. On registration of appeals, issue notice to the respondents. Mr. Sandanshiv, learned counsel waives service of notice for respondents.

6. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

7. Stand over to 6th December, 2017.

Sd/-
[K. K. SONAWANE]
JUDGE

mtk.