

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

910 CIVIL APPLICATION NO. 9595 OF 2017 IN FAST/27756/2014

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION

VERSUS

MANOHAR HARISHCHANDRA ARADWAD AND OTHERS

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Advocate for Applicant : Mr. Sham B. Patil.

AGP for Respondent State : Mr. S. P. Sonpawale.

Advocate for Respondent No.1 : Mr. P. G. Sontakke.

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WITH

CA/9593/2017 IN FAST/28120/2014

CORAM : K.K. SONAWANE, J.

DATED : 22ND AUGUST, 2017.

Order :-

1. Heard. Issue notice to respondents. Learned respective counsel waive service of notice for respective respondents.
2. Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondent-original claimants and learned AGP for respondent State.
3. Perused the applications. The learned counsel for the applicant submits that, the original claimants preferred the reference petitions under Section 18 of the Land Acquisition Act, 1894, before the learned Civil Judge, Senior Division, Ahmedpur, District Latur, for enhancement of compensation amount for their acquired lands. After appreciating the entire evidence, the

learned Reference Court passed the impugned Judgment and Award and partly allowed reference petitions. Being dissatisfied with impugned Award, Acquiring Body is intending to prefer the appeals, but there was delay for filing the appeals. Hence, applicant Acquiring Body has moved present applications for condonation of delay.

4. It is submitted that, the applicant is Government undertakings and Acquiring Body for the acquisition of the lands of the claimants for public purpose. The applicant Acquiring Body had not made party in the reference petitions, and therefore, the applicant had no knowledge about the impugned Award. After obtaining certified copy of the impugned Award and other compliance for official procedure, 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, which according to Acquiring Body, is exorbitant. Learned Counsel for applicant 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. There is every hope of success in the appeals. As such, he prayed to condone the delay.

5. Learned counsel for the original claimants has no objection to condone the delay.

6. The learned AGP also fervidly submits to pass suitable order.

7. I have considered rival submissions advanced on behalf of both sides. Perused the applications. Admittedly, the matter pertains to land acquisition proceedings. The appellant-applicant was not impleaded as respondent party in original reference petition for enhancement of compensation amount of the lands of original claimants. Obviously, the applicant Acquiring Body has to comply with the official process for filing the appeals. In such circumstances, it is essential to grant some sort of latitude to the applicant Acquiring Body while filing the appeal against the impugned Judgment and Award passed by the learned Reference Court. Moreover, the claimants also did not raise any objection for condonation of delay. In such circumstances, I have no hesitation to allow the applications for condonation of delay caused to prefer appeals against the impugned Judgment and Award passed by the learned Reference Court. Hence, applications are allowed in terms of prayer clause 'B'. The delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

Sd./-

[K. K. SONAWANE]
JUDGE

RRD.