

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**24 CIVIL APPLICATION NO. 15053 OF 2016
IN FAST/29091/2016**

THE STATE OF MAHARASHTRA AND ANR
VERSUS
SITARAM NARAYAN AGRAWAL DECEASED VISHWANATH SITARAM AGRAWAL

Mr. S.R. Yadav, A.G.P. for the Applicants-State
Mr. M.H. Shaikh, Advocate, holding for Mr. V.R. Dhorde, Advocate
for the Respondent

CORAM : K.K. SONAWANE, J.

DATE : 18th September, 2017

PER COURT :

1. Heard learned AGP for the applicants-State and learned counsel for the respondent. Perused the application.

2. Learned AGP submits that due to official procedure to present an appeal, delay has been caused. He submits that delay is not deliberate and intentional but 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 and perused the application as well as the impugned judgment and award against which the applicant State is intending to file an appeal.

5. The matter pertains to land acquisition proceedings. The learned Reference Court partly allowed the application of the respondent filed under Section 18 of the Land Acquisition Act. The applicant State 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 State, is exorbitant.

6. I am of the considered opinion that reasonable opportunity needs to be given to the applicants-State to ventilate its grievances in the

appellate forum. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. Therefore, I do not find any impediment to grant some sort of latitude to the applicants-State to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest of justice. Hence, the application for condonation of delay deserves to be allowed. In sequel, the application stands allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal.

(K.K. SONAWANE, J.)