

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

CIVIL APPLICATION NO. 16132 OF 2010 IN FAST/30733/2010

THE STATE OF MAH AND OTHERS
VERSUS
RAMCHANDRA BAPURAO KAVLE AND OTHERS

...
AGP for Applicant : Mr. S. R. Yadav-Loniakr.

...
CIVIL APPLICATION NO. 16134 OF 2010 IN FAST/30764/2010
...

CORAM : K.K. SONAWANE, J.

DATED : 20TH SEPTEMBER, 2017.

Order :-

Heard learned AGP for applicant-appellant State. Despite service of notice, none appears for respondents No. 1 to 4. The matter is pending since year 2004 for condonation of delay of 1442 days for filing the First Appeal.

2. The learned AGP fervidly submits that the delay caused to prefer appeals is not intentional and deliberate, but, owing to compliance of official process. The proposal for filing appeal was received to the office of the Government Pleader, High Court from the concerned Law and Judiciary Department, Aurangabad. But, there were no relevant documents accompanied with the proposal. The applicant has to obtain legal opinion from the concerned Department and also to grant requisite budgetary allocation for court expenses. After due compliance, applicant filed present appeals. There is delay, which is not intentional, but, caused due to unavoidable circumstances. Hence, learned AGP prayed to condone the delay in the interest of justice.

3. As referred above, none appears for the respondents-original claimants. Therefore, no opportunity to hear the original claimants in the applications.

4. I have considered the submissions advanced on behalf of applicant. Perused the relevant documents produced on record. The

matters pertain to land acquisition proceedings involving public funds. Admittedly, applications are pending since year 2010 for determining the issue of condonation of delay. According to applicant, learned Reference Court has awarded exorbitant compensation amount in favour of original claimants. I find reasonable opportunity is required to be given to the applicant to ventilate grievances in the Appellate Forum for redressal. There is sufficient cause to condone the delay. In case, the delay is not condoned, no one individual is going to affect, but the public fund is at stake. Moreover, it is rule of law that, while dealing with the application for condonation of delay, the liberal and pragmatic approach is required to be adopted by avoiding pedantic approach. Therefore, I have no impediment to condone the delay. Accordingly, civil applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused in preferring the Appeals against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process. After registration of appeal, issue notice for final hearing of the appeal at the admission stage to the respondents-original claimants. Meanwhile, call for record and proceedings from the concerned Reference Court. List the appeal for hearing at admission stage after it's registration in due course.

[K. K. SONAWANE]
JUDGE

rrd.