

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

930 CIVIL APPLICATION NO. 15007 OF 2016 IN FAST/30317/2016

THE STATE OF MAHARASHTRA AND ANR
VERSUS
BHAURAO DASHRATH SAWLE

...
AGP for Applicants State : Mr. S. R. Yadav-Lonikar.

...
WITH CA/15009/2016 IN FAST/30386/2016
WITH CA/15013/2016 IN FAST/30383/2016
WITH CA/15015/2016 IN FAST/30392/2016
WITH CA/15017/2016 IN FAST/30389/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 13TH SEPTEMBER, 2017.

Order :-

Heard learned AGP on behalf of respondent-appellant State. Despite service of notice, none appears for respondent/s-original claimant/s. The applicants- State moved an application for condonation of delay of 849 days caused in filing First Appeal challenging the impugned Judgment and Award passed by learned Joint Civil Judge, Senior Division, Aurangabad, dated 04-03-2014.

2. According to learned AGP, the delay caused in these appeals is not intentional and deliberate, but due to the compliance of official process. He explained that, after the proposal received from concerned Department, matters came to be forwarded to the office of Government Pleader, High Court, but there were no relevant documents filed on record for compliance and after due compliance these appeals came to be filed, but there is delay. Matters pertain to the land acquisition. There is a delay. As referred supra, none appears for the respondent/s-original claimants, therefore, opportunity is not received for hearing on their behalf. I have considered the submissions advanced on behalf of the learned AGP. I have also verified relevant

documents produced on record including findings of the learned Reference Court. The circumstances indicate that reasonable opportunity is essential to be given to the appellant- State to ventilate its grievance in the Appellate Forum against the exorbitant amount of market value determined by the learned Reference Court. Obviously, matter is in regard to public funds. In case, delay is not condoned, no one individual is affected, but public interest is at stake. Hence, I do not find any impediment to condone the delay. In such circumstances, the applications for condonation of delay caused for filing appeals against impugned Judgment and Award passed by the Reference Court deserve to be allowed. The applications for condonation of delay stand allowed in terms of prayer clause 'B'. Registry to take requisite steps for further process. After registration of appeal, issue notice to the respondents-original claimants for final hearing of the appeal at the admission stage. List the appeal after it's registration on 11th October, 2017.

[K. K. SONAWANE]
JUDGE

rrd.