

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

912 CIVIL APPLICATION NO. 2637 OF 2017 IN FAST/30535/2016

THE MAHARASHTRA KRUSHNA VALLEY DEVELOPMENT CORPORATION
THR EXE ENGINEER MEDIUM PR
VERSUS
MANOHAR SIDRAM SHINGADE

...
Advocate for Applicant : Mr. A. M. Gaikwad.
Advocate for Respondent No.1 : Mr. A. S. More.

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WITH CA/2639/2017 IN FAST/30740/2016
WITH CA/2641/2017 IN FAST/30749/2016
WITH CA/2643/2017 IN FAST/30746/2016
WITH CA/2645/2017 IN FAST/30752/2016

...
CORAM : K.K. SONAWANE, J.

DATED : 07TH SEPTEMBER, 2017.

Order :-

Heard learned counsel for applicants and learned counsel for respondents-original claimants.

2. The applicants moved present applications for condonation of delay caused to prefer appeals against the impugned Judgment and Award passed by learned Reference Court under Section 18 of the Land Acquisition Act, 1894. According to learned counsel for applicants, the delay caused to file appeal was not intentional and deliberate, but it caused due to compliance of procedural formalities. The proposal for filing appeals forwarded to the concerned office and after getting legal opinion, it was communicated to file appeals to the Panel Advocate. According to learned counsel for applicants, matters pertain to the land acquisition proceedings involving the public funds. The learned Reference Court has granted exorbitant amount towards compensation for the acquired lands. Hence, it is essential for applicants to file appeal to redress their grievances before the Appellate Forum.

3. The learned counsel for respondents-original claimants submits that, he has no objection to condone the delay as this Court has condoned the delay in other connected matters filed against impugned Judgment and Award passed by the learned Reference Court.

4. Heard learned counsel appearing for both sides. Perused applications and relevant documents on record. Admittedly, applicant is the Acquiring Body, who was not made party in the Reference Petitions. After the impugned Judgment and Award, applicant Acquiring Body came to know that the exorbitant amount of compensation was granted by the learned Reference Court towards enhancement of compensation amount. Obviously, there is a delay of 524 days caused in preferring the appeal and it has been passed due to compliance of procedural formalities. I find it justifiable to condone the delay in the interest of justice. The reasons mentioned in the applications for condonation of delay appear to be proper and reasonable. Hence, in view of reasons mentioned in the applications for condonation of delay, the Civil Applications for condonation of delay stand allowed in terms of prayer clause 'A'. The delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

5. On registration the appeals, list the matters for hearing on merit at admission stage on 4th October, 2017.

[K. K. SONAWANE]
JUDGE

rrd.