

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

CIVIL APPLICATION NO. 16216/2010 IN FAST/32268/2010

THE STATE OF MAH AND ORS
VERSUS
SHOBHA SHIVAJI BIRAJDAR

...
AGP for Applicant : Mr. S. R. Yadav-Loniakr.
Advocate for Respondent sole : Mr. A. N. Irpatgire.

...
WITH CA/16217/2010 IN FAST/32330/2010
WITH CA/16219/2010 IN FAST/32291/2010
WITH CA/16221/2010 IN FAST/32321/2010
WITH CA/16223/2010 IN FAST/32295/2010
WITH CA/16225/2010 IN FAST/32304/2010
WITH CA/16227/2010 IN FAST/32312/2010
WITH CA/16229/2010 IN FAST/32315/2010
WITH CA/16231/2010 IN FAST/32318/2010
...

CORAM : K.K. SONAWANE, J.

DATED : 20TH SEPTEMBER, 2017.

Order :-

Heard learned AGP for the applicant-appellant State and the learned counsel Mr. A. N. Irpatgire for respondent. Perused the applications. The applicant-State moved present applications for condonation of delay.

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 receiving the proposal from concerned Department, matters came to be forwarded to the office of Government Pleader, High Court, but as there were no relevant documents filed on record for compliance, after due compliance these appeals came to be filed, but there is delay. Hence, he prayed to condone the delay in the interest of justice.

3. The respondent raised objection and submits that delay has not been explained properly. In such circumstances, applications should be rejected.

4. Admittedly, Matters pertain to the land acquisitions. There is a delay. The respondents-original claimants have filed reference petitions under Section 18 of the Land Acquisition Act, 1894, for enhancement of compensation. The learned Reference Court has granted enhancement compensation in favour of respondent-original claimants is exorbitant in nature. Hence, the applicant-appellant State has prayed to condone the delay.

5. 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.

6. It is settled law that, liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for condonation of delay. 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 civil applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused for filing appeal is hereby condoned. Accordingly, the civil applications are disposed of in above terms. Registry to take requisite steps for further process. After registration of appeal, issue notice for final hearing of the appeals at the admission stage to the respondents-original claimants. Meanwhile, call for record and proceedings from the concerned Reference Court. List the appeals for hearing at admission stage after it's registration in due course.

[K. K. SONAWANE]
JUDGE

rrd.