

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

26 CIVIL APPLICATION NO. 4334 OF 2013 IN FAST/33160/2012

THE EXECUTIVE ENGINEER, LATUR MEDIUM PROJECT
VERSUS
DHANRAJ MAROTI PATIL AND ANR

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Advocate for Applicant : Mr. Umakant K. Patil.
Advocate for Respondent No.1 : Mr. S. S. Halkude.
AGP for Respondent No.2 : Mr. B. V. Virdhe.

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WITH CA/4336/2013 IN FAST/33218/2012
WITH CA/4338/2013 IN FAST/33211/2012
WITH CA/4340/2013 IN FAST/33215/2012
WITH CA/4342/2013 IN FAST/1926/2013
WITH CA/4344/2013 IN FAST/1914/2013
WITH CA/4346/2013 IN FAST/33221/2012
WITH CA/4348/2013 IN FAST/33224/2012
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CORAM : K.K. SONAWANE, J.

DATED : 11th SEPTEMBER, 2017.

Order :-

1. Heard learned counsel for appearing parties.
2. Perused the application. There is delay of 1618 days in filing the first appeals against the impugned Judgment and Award passed by the learned Reference Court under section 18 of the Land Acquisition Act, 1894. According to learned counsel for applicant-Acquiring Body, the delay so-called is not intentional or deliberate, but, the same has been caused due to official process. According to learned counsel, the entire decretal amount is deposited by the applicant - Acquiring Body and the same has been withdrawn by the original claimants. Therefore, he requested to condone the delay.
3. The learned counsel for respondents- original claimants submits that the delay has not been properly explained by the applicant-Acquiring Body and prayed to reject the applications.
4. The learned AGP prayed for suitable orders in the interest of justice.

5. I have given anxious consideration to the submission canvassed by learned counsel for both sides. Perused the applications and findings expressed by the learned Reference Court. The matters pertain to Land Acquisition Proceedings. The applicant- Acquiring Body 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 applicant-Acquiring Body is exorbitant. Therefore, I am of the considered opinion that reasonable opportunity needs to be given to the applicant- Acquiring Body to ventilate its grievances in the Appellate Forum. I find substance in the submission of learned counsel for the appellant. In case the delay is not condoned, no person is individually affected, but ultimately, the public interest would be at stake. Therefore, the delay is required to be condoned. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the purpose of substantial justice. Hence, the applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals.

6. Civil Applications are allowed in aforesaid terms and disposed of accordingly.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK