

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**930 CIVIL APPLICATION NO. 12845 OF 2012
IN FAST/14295/2012 WITH CA/12846/2012 IN
FAST/14295/2012**

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, DHULE
VERSUS
RAMRAO BABURAO PATIL AND ANR

...
Advocate for Applicant : Smt. Jadhav Vaishali D.
AGP for Respondent No.2/State: Mr. S.R. Yadav
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A N D

**940 CIVIL APPLICATION NO. 1490 OF 2013
IN FAST/33428/2012
WITH
CA/1488/2013 IN FAST/33741/2012**

EXECUTIVE ENGINEER, MINOR IRRIGATION, DHULE
VERSUS
BHAGWAN SITARAM PATIL, DIED THR. L.RS. RANGRAO AND ORS

...
Advocate for Applicant : Smt. Jadhav Vaishali D.
AGP for Respondent No.6/State: Mr. S.R. Yadav in C.A.
No.1490/2013
AGP for Respondent No.3/State: Mr. S.R. Yadav in C.A.
No.1488/2013

CORAM : K.K. SONAWANE, J.

DATE : 22nd September, 2017

PER COURT :

1. Heard learned counsel for the applicant-Acquiring Body and learned A.G.P. for the respondent-State. Despite service of notice, none appears for respondents-original claimants. These applications are pending since the year 2012 for condonation of delay caused in filing First Appeals on behalf of Acquiring Body.

2. The learned counsel for the applicant-Acquiring Body submits that the delay caused in filing the Appeals against the impugned Judgment and Award intentional or deliberate, but it is caused due official process. In case, the delay is not condoned, it would cause prejudice and injustice to the applicant-Acquiring Body as exorbitant amount/compensation was granted to the respondents-original claimants. Hence, he prayed to condone the delay.

3. The learned A.G.P. submits that the suitable

order may be passed in the interest of justice.

4. In view of the reasons mentioned in the application, I find that reasonable opportunity is required to be given to the applicants to ventilate the grievances in Appellate Forum against the compensation amount determined by the learned reference Court. The appellant is the Government Agency i.e. Acquiring Body and in view of public interest, it is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. Moreover, there is no objection on behalf of respondents-original claimants to condone the delay. In this situation, these applications stand allowed in terms of prayer clause "B". The delay so caused in preferring the appeals against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

5. On registration of Appeals, re-issue notice to the respondent-original claimants, returnable on

9.11.2017. Learned A.G.P. waives service of notice on behalf of respondent-Land Acquisition Officer.

6. Call record and proceedings from the concerned Reference Court.

7. After compliance of formalities, place these matters on Board for further process on 8th November, 2017.

(K.K. SONAWANE, J.)