

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

33 CIVIL APPLICATION NO. 2237 OF 2017
IN FAST/33133/2016

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
LATUR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. Dhairyashil M. Mane
AGP for Respondent No. 1 : Mr. S.R. Yadav

...
WITH CA/2239/2017 IN FAST/33469/2016
WITH CA/2242/2017 IN FAST/33449/2016
WITH CA/2244/2017 IN FAST/33413/2016
WITH CA/2251/2017 IN FAST/33428/2016
WITH CA/2255/2017 IN FAST/33446/2016
WITH CA/2257/2017 IN FAST/33440/2016
WITH CA/2262/2017 IN FAST/33423/2016
WITH CA/2264/2017 IN FAST/33457/2016

CORAM : K.K. SONAWANE, J.

DATED : 4th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicant-Acquiring Body as well as learned AGP for respondent No. 1 State. Learned counsel for respondents-original claimants is absent
2. The applicant-Acquiring Body moved the present applications for condonation of delay in filing the first appeals against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition References filed under section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicant, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The applicant is Body corporate having its independent entity. After procuring the funds for court fees appeal came to be filed, however, there is delay in filing the appeals. According to learned counsel for applicant, delay so caused is not intentional or deliberate, but caused

due to compliance of official process.

3. The learned AGP for respondent No. 1 – State submits for suitable orders in the interest of justice.

4. As referred above, respondents-original claimants remained absent, therefore, no opportunity for hearing them in the present applications is received to this Court. Considering the nature of the subject-matter and reasons mentioned in the application, I do not find any impediment to allow the applications for condonation of delay. It would not cause any prejudice or injustice to the respondents-original claimants and public interest is involved in the matter. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. Therefore, I do not find any impediment to grant some sort of latitude to the applicant - Acquiring Body to present an appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. 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. The civil applications are allowed in above terms and stand disposed of. Registry to take requisite steps for registration of appeal. Civil applications stand disposed of accordingly.

5. On registration of appeals, issue notice to the respondents. Learned AGP waives service of notice for respondent No. 1- State.

6. Meanwhile, call for record and proceedings from the concerned learned Reference Court.

7. List the appeals for admission in due course.

Sd/-
[K. K. SONAWANE]
JUDGE

mtk.