

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO. 14895 OF 2016
IN FAST/33680/2016 WITH CA/14921/2016 IN FAST/33363/2016 WITH
CA/14942/2016 IN FAST/33357/2016 WITH CA/15190/2016 IN
FAST/33353/2016 WITH CA/16308/2016 IN FAST/36481/2016

BHAGWAN UTTAMRAO AKAT AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Mr. Nilkanth R. Pawade
AGP for Respondents: Mr. R.B. Bagul

CORAM : K.K. SONAWANE, J.

DATE : 23rd August, 2017.

PER COURT:

1] Heard learned counsel for the applicant and learned AGP for the respondents.

2] Despite service of notice, none appears for respondent No.3 - Acquiring Body. Learned counsel for the applicants submits that the applicants, after award by the SLAO, preferred a Reference Petition under Section 18 of the Land Acquisition Act before the learned Reference Court for seeking enhancement of compensation. The learned Reference court partly allowed the application and granted enhancement of compensation for acquired lands of the claimants. But, being aggrieved by the meager quantum of compensation granted by the Reference Court, the applicants preferred the present First Appeals to redress their grievance. However, there is delay in filing the appeal

3] According to Learned Counsel, the applicants are poor agriculturists having no knowledge about the legal process. The learned counsel for applicants invited my attention to the fact that the respondent No.3 Acquiring Body has also filed a First Appeal against the impugned judgment and award passed by the learned trial court dated 29.7.2011 and

impleaded the applicants as party-respondents in the appeal. The said first appeal is listed for final hearing on merit at the admission stage. According to learned counsel, in case delay caused to file appeal by the applicants is condoned, this appeal will be tagged with the appeal filed by the Acquiring Body. Hence, learned counsel for applicants prayed to condone the delay.

4] Learned AGP conceded for passing suitable orders in the interest of justice.

5] Despite service of notices, none appears for Acquiring Body. Therefore, this court could not get opportunity to hear the respondent Acquiring Body on the issue of condonation of delay. However, in view of nature of subject matter, it would be unjust and improper to keep the matter in abeyance for securing presence of respondent No.3 Acquiring Body. Hence, I prefer to proceed further for adjudication of present application in absence of Acquiring Body.

6] In view of the reasons mentioned in the applications, as well the circumstances that the Acquiring Body has filed first appeal as mentioned supra, I find that reasonable opportunity is essential to be given to the applicants to ventilate their grievances in the appellate forum. The reasons mentioned in the applications appear to be sufficient and reasonable to condone the delay. In such circumstances, applications stand allowed in terms of prayer clause (A). Delay is condoned. Registry to take requisite steps for registration of appeal and list the matter for further process. The Civil Application for condonation of delay stands disposed of in aforesaid terms.

7] On registering the appeal, Admit. Issue notice to respondents. The learned AGP waives notice for respondent State.

8] List the appeals for final hearing in the week commencing from 6th November, 2017.

[K.K. SONAWANE]
JUDGE.

grt/-