

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

**CIVIL APPLICATION NO. 1061 OF 2017  
WITH  
FIRST APPEAL STAMP NO. 38249 OF 2016**

The State of Maharashtra and others ...APPLICANTS

versus

Maohadeo Dhondiba Nimse ...RESPONDENT

.....  
Mr. S.P. Sonpawale, AGP for applicants  
Mr. A.A. Nimbalkar, Advocate for respondents-original claimants.

.....  
WITH  
CIVIL APPLICATION NO. 1069 OF 2017 IN FIRST APPEAL ST. NO. 38171 OF 2016  
CIVIL APPLICATION NO. 1073 OF 2017 IN FIRST APPEAL ST. NO. 38189 OF 2016

**CORAM : K.K. SONAWANE, J.**

**DATED : 23<sup>rd</sup> AUGUST, 2017.**

**Order :-**

1. Heard learned AGP for the applicants
2. Perused the applications and relevant documents produced on record. According learned AGP, there is delay of 531 days caused in filing the appeal against the impugned Judgment and Award passed by the learned Reference Court. Learned AGP submits that due to official procedure to present the appeals, delay has been caused. He submits that delay is not deliberate and intentional but caused owing to administrative compliance. As such, he prayed to condone the delay.

3. Learned counsel for the respondents-original claimants raised objection and submits that delay has not been properly explained and no special treatment be given to the applicants-appellants being Official Government Agency. He further submits that it would be unjust and improper to condone the delay and prayed to reject the applications.

4. I have heard the submission canvassed on behalf of both sides and perused the application as well as the impugned judgment and award against which the applicants-State authorities are intending to file the appeals.

5. I am of the considered opinion that reasonable opportunity needs to be given to the applicants to ventilate its grievances in the appellate forum. It is to be noted that the matter pertains to the enhancement of compensation amount under the Land Acquisition Act. The appellants are the Government Agencies i.e. Acquiring Body and in view of public interest, it is imperative to extend some sort of latitude while dealing with the applications for condonation of delay, by adopting liberal and pragmatic approach. If the appeals of the appellant acquiring body are not allowed to be presented for further process on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicants - State authorities to

present appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents-original claimants. In contrast, it would sub-serve the interest of justice. Hence, the applications for condonation of delay deserves to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeals and list the same for further process along with applications for stay on 18<sup>th</sup> September, 2017.

Sd/-

**[ K. K. SONAWANE ]**  
**JUDGE**

MTK