

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

80 CIVIL APPLICATION NO.1867 OF 2018
IN FAST/1641/2018

WITH
CA/1868/2018 IN FAST/1641/2018

THE STATE OF MAHARASHTRA AND ORS
VERSUS
KUSUMBAI VISHAMBER YADAV

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Advocate for Applicants : Mr. PG Borade, AGP

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CORAM : P.R. BORA, J.

DATED : 24th SEPTEMBER, 2018.

PER COURT:-

1. Heard Shri Borade, learned AGP appearing for State. Sole respondent though is duly served, has not caused appearance. Learned AGP submitted that in making procedural compliances, time was consumed and that is the only reason that the appeal could not be filed within the stipulated period of limitation. The learned AGP further submitted that in the Award, which is impugned in the present appeal, apparently the Reference Court has unreasonably enhanced the amount of compensation. The learned AGP submitted that when the Special Land Acquisition Officer had offered the compensation for the acquired land @

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Rs.24,000/- per hectare, the Reference Court has determined the market value of the acquired land @ Rs.20/- per sq.ft and has accordingly enhanced the amount of compensation. In the circumstances, the learned AGP has prayed for an opportunity to the State to prosecute its appeal on merits.

2. In view of the fact that the enhancement given by the Reference Court apparently appears to be on much higher side, I am inclined to allow the present application. It cannot be forgotten that ultimately public money is involved in all these matters and as such, the State needs to be given an opportunity to prosecute its appeal on merits. Hence, the following order, -

ORDER

i. The delay caused in filing the appeal is condoned. The application for condonation of delay is allowed.

ii. Appeal be registered in accordance with law. After registration of the appeal, issue notice to the respondents, returnable after six weeks.

(P.R. BORA)
JUDGE

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