

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 **CIVIL APPLICATION NO. 3821 OF 2018**
IN FAST/3202/2018

THE EX. ENGINEER, LATUR MINOR IRRIGATION DIV. LATUR
THROUGH ASST. EX. ENGINEER AND ANOTHER

VERSUS

SAPNA NANDKISHOR KHANDADE AND ORS

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Advocate for Applicants : Mr. Arora Shyam C

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CORAM : K.K. SONAWANE, J.

DATE : 8th JUNE, 2018

PER COURT :

Heard learned counsel for the applicant-Acquiring Body. Notice was issued to the respondents, but they did not turn-up before this Court. Perused the application.

2. The learned counsel for the applicant-Acquiring Body submits that the delay caused in filing the Appeal against the impugned Judgment and Award is not intentional and deliberate, but same is caused due to 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. 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. In this situation, application stands allowed in terms of prayer clause "B". They delay so caused in preferring the appeal against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

4. On registration of Appeal, re-issue notice to the respondents. After compliance of procedure, the Appeal be listed for hearing at the stage of admission in due course.

(K.K. SONAWANE, J.)

