

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

CIVIL APPLICATION NO. 3535 OF 2018 IN FAST/4934/2018

THE STATE OF MAHARASHTRA AND ORS
VERSUS
WAMAN MANIK JADHAV

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AGP for Applicants : Mr. A. M. Phule.
Advocate for Respondent-original claimant : Mr. D. A. Bide.

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WITH CA/3537/2018 IN FAST/5035/2018
WITH CA/3539/2018 IN FAST/5038/2018

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CORAM : K.K. SONAWANE, J.

DATED : 15th JUNE, 2018.

Order :-

1. Heard learned AGP for applicants and learned counsel for respondent/s (original claimant/s). Perused the applications.
2. The applicants- State of Maharashtra moved present applications for condonation of delay caused 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 AGP, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. After procuring the funds for court fees appeals 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 it was caused due to compliance of official process. Therefore, he prayed to condone the delay.
3. The learned counsel for respondent/s (original claimant/s) raised objection that the satisfactory reasons for such inordinate and huge delay caused for filing first appeal has not been properly explained by the applicant. He requested to reject the applications.

4. I have given anxious consideration to the submissions advanced on behalf of both sides. Admittedly, matters pertain to the land acquisition proceedings involving public funds. In view of nature of the subject matter and the reasons mentioned in the applications, I find that reasonable opportunity is essential to be granted to applicants to ventilate their grievance in the Appellate Forum for redressal. Therefore, delay caused for filing First Appeals is required to be condoned. Accordingly, applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay of 920 days caused in preferring the First Appeals against impugned Judgment and Award is hereby condoned. The civil applications are disposed of in above terms accordingly. Registry to take requisite steps for further process.

5. After registration of appeals, issue notice to respondent/s (original claimant/s).

6. Mr. D. A. Bide, learned counsel waives service of notice for respondent/s (original claimant/s).

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

8. List the matters for admission in due course.

[K. K. SONAWANE]
JUDGE