

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**944 CIVIL APPLICATION NO. 7710 OF 2018
IN FAST/5041/2018**

THE M.K.V.D.C., THROUGH THE EX. ENGINEER, IRRI.
PROJECT STRENGTHENING NOW OSMANABAD M

VERSUS

GURUNATH RAM LADE AND ORS

WITH

**944 CIVIL APPLICATION NO. 7712 OF 2018
IN FAST/5328/2018**

THE M.K.V.D.C., THROUGH THE EX. ENGINEER, IRRI.
PROJECT STRENGTHENING NOW OSMANABAD M

VERSUS

SHIVAPPA NAGAPPA LADE [DEAD] THROUGH
LRS SANJAY AND OTHERS

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Advocate for Applicant : Mr. Gaikwad Anil M.
Advocate for Respondent Nos. 1 to 4 : Mr. P.G.
Sontakke

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CORAM : K.K. SONAWANE, J.

DATE : 22nd JUNE, 2018

PER COURT :

1. Heard the learned counsel for the applicant and learned counsel Mr. P.G. Sontakke on behalf of all respondents. Perused the applications.

2. These applications are filed for condonation of delay of 1202 days each caused in filing the First Appeals against the impugned Judgment and Award passed by the learned reference Court, Omerga.

3. According to the learned counsel for the applicant-Acquiring Body, the delay caused in filing the Appeals against the impugned Judgment and Award is not intentional or deliberate. In case, the delay is not condoned, it would cause prejudice and injustice to the applicant-Acquiring Body. Hence, he prayed to condone the delay.

4. I have considered the submissions of the learned counsel for the applicant-Acquiring Body and also perused the relevant documents. Admittedly, these matters pertain to the Land Acquisition proceeding. It has been alleged that the concerned reference Court has granted the exorbitant amount than the market value prevailing in the area for the acquired lands of the respondents. In such circumstances, I find it justifiable to grant reasonable opportunity to the acquiring body to ventilate its grievances in the Appellate Forum. 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 such situation, both the applications stand allowed in terms of prayer

clause "A". The delay so caused in preferring the appeals against impugned Judgment and Award is hereby condoned. Registry to take requisite steps for further process.

5. On registration of Appeal/s, issue notice to the respondents. Learned counsel Mr. P.G. Sontakke waives service of notice on behalf of respondents.

6. Call record and proceedings from the concerned reference Court.

7. After compliance of procedural formalities, list the Appeal for admission in due course.

(K.K. SONAWANE, J.)