

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

955 CIVIL APPLICATION NO. 7776 OF 2018  
IN FAST/12276/2018 WITH CA/7778/2018 IN FAST/12380/2018  
WITH CA/7780/2018 IN FAST/12405/2018 WITH CA/7782/2018  
IN FAST/12400/2018 WITH CA/7784/2018 IN FAST/12397/2018  
WITH CA/7786/2018 IN FAST/12394/2018 WITH CA/7788/2018  
IN FAST/12390/2018 WITH CA/7790/2018 IN FAST/12384/2018  
WITH CA/7792/2018 IN FAST/12387/2018

EXECUTIVE ENGINEER, LATUR MINOR IRRIGATION DIVISION,  
LATUR UNDER G.M.I.D.C., AURA  
VERSUS  
NAGNATH PANDURANG SAUDAGAR

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956 CIVIL APPLICATION NO. 7866 OF 2018  
IN FAST/12270/2018 WITH CA/7868/2018 IN FAST/12326/2018  
WITH CA/7870/2018 IN FAST/12323/2018 WITH CA/7872/2018  
IN FAST/12320/2018 WITH CA/7874/2018 IN FAST/12338/2018  
WITH CA/7876/2018 IN FAST/12329/2018 WITH CA/7878/2018  
IN FAST/12332/2018 WITH CA/7880/2018 IN FAST/12317/2018  
WITH CA/7882/2018 IN FAST/12335/2018 WITH CA/7884/2018  
IN FAST/12311/2018

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963 CIVIL APPLICATION NO. 10047 OF 2018  
IN FAST/12279/2018 WITH CA/10049/2018 IN  
FAST/12369/2018 WITH CA/10053/2018 IN FAST/12360/2018  
WITH CA/10057/2018 IN FAST/12373/2018 WITH  
CA/10059/2018 IN FAST/12366/2018 WITH CA/10061/2018 IN  
FAST/12341/2018 WITH CA/10064/2018 IN FAST/12351/2018  
WITH CA/10066/2018 IN FAST/12344/2018 WITH  
CA/10068/2018 IN FAST/12348/2018 WITH CA/10070/2018 IN  
FAST/12363/2018 WITH CA/10072/2018 IN FAST/12355/2018

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Advocate for Applicant : Mr. Surwase B.R.  
Advocate for Respondent No.1 : Mr. B.K. Pawar

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**CORAM : V.L. ACHLIYA, J.**

**DATED : 10<sup>th</sup> AUGUST, 2018**

**PER COURT:-**

1. These applications are filed for condonation of delay in filing the appeals against the impugned judgment and order passed by the reference Court.
2. Heard the learned counsel for the applicants/s and the respondent/s – claimants.
3. In brief, it is the contention of the learned counsel for the applicant/s that delay caused in filing the appeals was not deliberate and intentional, but caused due to the reason that the acquiring body was unaware the judgment and award passed by the Reference Court. The acquiring body came to know about the judgment and order passed on 21.11.2013 from their advocate on 21.01.2014. Immediately thereafter they applied for certified copies, which was received on 28.03.2017. Thereafter, the legal opinion was obtained and the matter was referred to higher authority for seeking necessary approval. After obtaining the legal opinion, the appeals came to be filed. In making procedural compliance the delay as mentioned in each of application has occurred.
4. Learned counsel further submits that, if delay is condoned no serious prejudice would be caused to the respondent/s – claimants as ultimately the appeals will be decided on merit. On the contrary, if delay is not condoned serious prejudice may result to applicant – appellant. He submits that the appellants have good case to succeed

in appeals as the Reference Court has made mistake while making the computation of amount payable. It is contended that the enhancement has been made on the basis of judgment and order passed in L.A.R. No.40/2007, wherein the Reference Court awarded the amount of **Rs. 1,44,463/- per Hector**. The same rate has been considered by the Reference Court in enhancing compensation. However, while making calculations, wrongly made calculation at the rate of **Rs.1,44,463/- per Acre** instead of **Rs. 1,44,463 per Hector**. In this background, learned counsel submits that the applicants-appellants have good case to succeed in appeals.

5. On the other hand, learned counsel for the respondent/s – claimant/s submits that no sufficient cause has been assigned to condone the delay. He submits that the applicant/s were represented through their panel advocate. He submits that the reasons as stated to condone the delay are false and concocted.

6. On due consideration of the submissions advanced in the light of the over all facts of the case, the reasons set out for condonation of delay and unchallenged pleadings made in the applications, I am of the view that the case is made out to condone the delay. It is the settled position in law that while condoning the delay, the Court should adopt a pragmatic approach. In the case in hand, there appears to be good grounds to be considered in appeals. In case, the delay is not condoned, there is every likelihood that meritorious matters may be rejected for technical grounds. In case, the delay is

condoned, no serious prejudice would be caused to respondent/s. I am therefore inclined to allow the applications. Hence, the following order:

**ORDER**

- [i] The civil applications are allowed in terms of prayer clause 'B' in the respective applications.
- [ii] Delay condoned. Appeals be registered.
- [iii] The civil applications are disposed of in above terms.

**( V.L. ACHLIYA )  
JUDGE**

SPR