

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

935 CIVIL APPLICATION NO. 6875 OF 2018
IN FAST/12045/2018

WITH

CA/6877/2018 IN FAST/12519/2018 WITH CA/6879/2018
IN FAST/12530/2018 WITH CA/6881/2018 IN
FAST/12525/2018 WITH CA/6883/2018 IN
FAST/12536/2018

THE EX. ENGINEER, MINOR IRRIGATION DIV. THR MOHAN
B KADE SUB DIV. ENGINEER, OSMAN

VERSUS

NARSING SAHEBRAO KADAM (DIED) THR LRS GOVIND AND
ORS

...

Advocate for Applicant : Mr. Arora Shyam C

CORAM : P.R.BORA, J.

DATE : 4th September, 2018.

PER COURT :

1. Though the respondents, i.e. original claimants, are duly served in all these matters, none of them has entered appearance in the matters.

2. Heard Shri Arora, learned counsel appearing for appellant acquiring body. Delay of 1151 days has occurred in filing the present appeals. The learned counsel submitted that after passing of the Award, the acquiring body was supposed to obtain necessary sanctions from its higher authorities as well as from the State Government. The learned counsel further submitted that more

particularly non availability of the adequate funds is the main reason that the acquiring body could not file the appeals within the period of limitation. The learned counsel further submitted that substantial grounds are raised by the appellant acquiring body in exception to the impugned Awards. The learned counsel submitted that while the Special Land Acquisition Officer had offered compensation @ Rs. 670/- per Are, the Reference Court has enhanced the said compensation by determining the market value of the acquired lands @ Rs.5332/- per Are. The learned counsel submitted that the enhancement so granted by the Reference Court apparently appears arbitrary and it is not in accordance with the evidence there for. In the circumstances, according to the learned counsel, an opportunity needs to be given to the acquiring body to prosecute its appeals on merits. The learned counsel, therefore, prayed for condoning the delay and to hear the appeals on merits.

3. After having considered the submissions advanced by the learned counsel Shri Arora, I am convinced that the acquiring body has made out a case for condoning the delay. Moreover, having regard to the fact that the compensation has been enhanced by the Reference Court eight times than the compensation offered by the Special Land Acquisition Officer, the entire evidence will

have to be re-scrutinized. Having regard to the fact that the public money is involved, I am inclined to allow the present applications so that the appeals can be heard on merits. Hence, the following order, -

ORDER

- i. The delay caused in filing the appeals is condoned. The CA for condonation of delay stands disposed of
- ii. The appeals be registered in accordance with law. On registration of the appeals, issue notice to the respondents, returnable after six weeks.

(P.R.BORA)
JUDGE

bdv/