

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

CIVIL APPLICATION NO. 8162 OF 2017  
IN FAST/16352/2017

THE STATE OF MAHARASHTRA AND ORS  
VERSUS  
BHIMDEO RATTU RATHOD AND ORS

...  
AGP for Applicants : Ms. S. S. Raut.  
Advocate for Respondents-original claimants : Mr. V. G. Kodale h/f.  
Mr. V. D. Gunale.

...  
WITH CA/8164/2017 IN FAST/16458/2017  
...

**CORAM : K.K. SONAWANE, J.**

**DATED : 26<sup>th</sup> JUNE, 2018.**

**Order :-**

1. Heard Ms. S. S. Raut, learned AGP for the applicant - Acquiring Body as well as learned AGP for co applicants No. 2 and 3 and learned counsel for respondents - original claimants. Perused the applications.
2. The applicants moved present applications for condonation of delay in filing the first appeal against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition Reference No. 5 and 6 of 2013 dated 05-05-2015 filed under section 18 of the Land Acquisition Act, 1894. According to learned AGP for applicants, the so-called delay caused is not intentional or deliberate, but owing to compliance of official process. After impugned Judgment and Award, applicant has to obtain legal opinion from the concerned Department as well as get sanction of requisite budgetary allocation for court proceedings, and thereafter, presented First Appeal. After due compliance, applicant filed present appeal. But, there is delay caused in filing appeals. Hence, learned AGP requested to condone the delay.

3. The learned counsel for respondents-original claimants submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned.

4. I have given anxious consideration to the submission of both learned counsel. Considering the nature of the subject-matter and reasons mentioned in the applications, I do not find any impediment to allow the applications for condonation of delay. The public interest is involved into the matters. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. Therefore, it is imperative to grant some sort of latitude to the applicants to present appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents-claimants. In contrast, it would sub-serve the purpose of substantial justice. Hence, the applications for condonation of delay deserve to be allowed.

5. In sequel, the applications stand allowed in terms of prayer clause (B). The delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. Civil applications stand disposed of accordingly.

6. On registration of appeal, issue notice to the respondents. Mr. V. D. Gunale, learned counsel waives service of notice for respondents-original claimants.

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

8. List the appeals for admission in due course.

**[ K. K. SONAWANE ]**  
**JUDGE**