

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

CIVIL APPLICATION NO. 2509 OF 2017 IN FAST/23694/2016

EXECUTIVE ENGINEER LOWER TERNA PROJECT DIV., LATUR THR EXE.
ENGINEER, LATUR AND AND OTHER
VERSUS
BASHIR SAYYAD MULLA AND ANR

...
Advocate for Applicant No.1 : Mr. S. G. Sangle.
AGP for Applicant No. 2 : Mr. R. B. Bagul.
Advocate for Respondent : Mr. S. S. Halkude.

...
WITH CA/2511/2017 IN FAST/23700/2016
WITH CA/2513/2017 IN FAST/23697/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 10TH JANUARY, 2018.

Order :-

Heard the learned counsel for applicant No.1 - Acquiring Body and learned counsel for respondents (original claimants) as well as learned AGP for applicant No.2- State of Maharashtra. Perused the applications and relevant documents produced on record.

2. The present applications moved for condonation of delay of 1231 days caused in filing first appeals against impugned Judgment and Award passed by the learned Reference Court in petitions filed under Section 18 of the Land Acquisition Act, 1894. According to learned counsel for applicant- Acquiring Body, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The applicant is Body corporate having its independent entity. After procuring the funds for court fees etc. appeal 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 caused due to compliance of official process.

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 and prayed for rejection of applications.

4. The learned AGP prayed for suitable order in the interest of justice.

5. Considering the nature of the subject-matter and reasons mentioned in the application, I do not find any impediment to allow the applications for condonation of delay. The public interest is involved in these 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, reasonable latitude is required to be given to the applicant-Acquiring Body to present an appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would subserve the interest of justice. Hence, the applications for condonation of delay deserves to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. The civil applications are allowed in above terms and stand disposed of. Registry to take requisite steps for registration of appeals.

6. After registration of appeals, issue notice to the respondent/s (original claimant/s). Mr. S. S. Hlkude, learned counsel waives service of notice for respondent/s (original claimant/s). Meanwhile, call for record and proceedings from the concerned Reference Court.

7. List the matters for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.