

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

CIVIL APPLICATION NO. 12778 OF 2017 IN FAST/31684/2017

THE STATE OF MAHARASHTRA AND ORS
VERSUS
ANANDA SAYAJI CHADIDAR

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AGP for Applicants : Mr. P. G. Borade.
Advocate for Respondents-claimants : Mr. Kumar Gaurav M. More.

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WITH CA/11452/2017 IN FAST/28212/2017
WITH CA/11454/2017 IN FAST/28222/2017
WITH CA/11456/2017 IN FAST/28227/2017
WITH CA/11458/2017 IN FAST/28204/2017
WITH CA/11460/2017 IN FAST/28209/2017
WITH CA/11463/2017 IN FAST/28218/2017
WITH CA/11464/2017 IN FAST/28187/2017
WITH CA/11466/2017 IN FAST/28190/2017
WITH CA/11468/2017 IN FAST/28195/2017
WITH CA/11470/2017 IN FAST/28200/2017
WITH CA/11472/2017 IN FAST/28183/2017
WITH CA/12780/2017 IN FAST/31705/2017
WITH CA/12782/2017 IN FAST/31699/2017
WITH CA/12784/2017 IN FAST/31708/2017
WITH CA/12786/2017 IN FAST/31711/2017
WITH CA/12788/2017 IN FAST/31723/2017
WITH CA/12790/2017 IN FAST/31717/2017
WITH CA/12792/2017 IN FAST/31720/2017
WITH CA/12794/2017 IN FAST/31702/2017
WITH CA/12796/2017 IN FAST/31714/2017
WITH CA/12798/2017 IN FAST/31687/2017
WITH CA/12800/2017 IN FAST/31690/2017
WITH CA/12802/2017 IN FAST/31696/2017
WITH CA/12804/2017 IN FAST/31693/2017

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**CORAM : K.K. SONAWANE, J.
DATED : 2nd JULY, 2018.**

Order :-

1. Heard Mr. P. G. Borade, learned AGP for the applicant – State of Maharashtra / Acquiring Body and learned counsel for respondents - original claimants. Perused the applications and relevant documents.
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 References 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-Acquiring Body 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 Appeals. After due compliance, applicants filed present appeals. 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 sides. 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 for 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. More, 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.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.