

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

CIVIL APPLICATION NO. 3522 OF 2013 IN FAST/33143/2012

THE STATE OF MAH THR COLLECTOR AND OTHERS

VERSUS

NIVRUTI SOPAN BAGAL

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AGP for Applicant-State : Mr. B. V. Virdhe.

Advocate for Respondent/s (original claimant/s) : Mr. S. A. Wakure.

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WITH CA/3520/2013 IN FAST/33174/2012

WITH CA/3524/2013 IN FAST/33179/2012

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CORAM : K.K. SONAWANE, J.

DATED : 10TH JANUARY, 2018.

Order :-

Heard learned AGP for applicant- State of Maharashtra and learned counsel Mr. S. A. Wakure for respondents (original claimant/s).

2. Perused the applications. The applicant-State moved present applications for condonation of 569 days delay caused for filing first appeals against impugned Judgment and Award passed by learned Civil Judge, Senior Division, Osmanabad in Land Acquisition Reference Nos. 95/2000, 629/1997 and 640/1997 dated 28-02-2011.

3. According to learned AGP, the delay caused in filing appeal is not intentional and deliberate, but due to the compliance of official process. The Reference Court granted exorbitant and excessive compensation amount in this cases and it is essential for appellant State of Maharashtra to present appeal against impugned Judgment and Award passed by Reference Court in the interest of justice. Hence, he prayed to condone the delay in the interest of justice.

4. The respondent/s (original claimant/s) raised objection and submits that the inordinate delay caused for filing first appeals has not been explained in proper manner on behalf of applicant. In such circumstances, delay may not be condoned and applications should be rejected.

5. I have considered the submissions advanced on behalf of the learned AGP. I have also verified relevant documents produced on record including findings of the learned Reference Court. The circumstances indicate that reasonable opportunity is essential to be given to the appellant- State to ventilate its grievance in the Appellate Forum against the exorbitant amount of market value determined by the learned Reference Court. Obviously, matter is in regard to public funds. In case, delay is not condoned, no one individual is affected, but public interest is at stake.

6. It is settled law that, liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for condonation of delay. Hence, I do not find any impediment to condone the delay. In such circumstances, the applications for condonation of delay caused for filing appeals against impugned Judgment and Award passed by the Reference Court deserve to be allowed. The civil applications for condonation of delay stand allowed in terms of prayer clause 'B'. The delay caused for filing appeal is hereby condoned. Accordingly, the civil applications are disposed of in above terms. Registry to take requisite steps for further process.

7. After registration of appeal, issue notice to respondent/s (original claimant/s).

8. Mr. S. A. Wakure, learned counsel waives service of notice for respondent/s (original claimant/s).

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

10. List the appeals for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.