

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
908 CIVIL APPLICATION NO. 318 OF 2016
IN FAST/36469/2015 WITH CA/3112/2018 IN FAST/36469/2015

GODAVARI MARATHWADA PAT-BANDHARE VIKAS MAHAMANDAL THRITS EXE
ENGINEER, LOWER TER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr.Chandrakant V. Thombre
AGP for Respondent No.1: Ms. S.S. Raut.

CORAM : K.K. SONAWANE, J.
DATE : 27TH JUNE , 2018.

PER COURT:

Heard learned counsel for the applicant and learned AGP for respondent No.1. No one else appeared on behalf of respondent No.2. The application pertains to condonation of delay in filing first appeal against impugned judgment and award passed by the Reference Court in LAR No. 336 of 2002.

2] Perused the application. Learned Counsel for applicant/s submits that due to official procedure to present an appeal, delay has been caused. He submits that delay is not deliberate and intentional but caused owing to administrative compliance. As such, he prayed to condone the delay.

3] I have heard the submission canvassed on behalf of learned counsel for applicant and also perused the application as well as the impugned judgment and award against which the applicant Acquiring Body is intending to file an appeal.

4] The matter pertains to land acquisition proceedings. It has been contended that after the impugned judgment and award of the

Reference Court, the Acquiring Body being an independent institution, approached to its counsel as directed by the superior officers and obtained the tentative figure of proposed expenditure for filing an appeal. The applicant Acquiring Body made necessary arrangement of finance for requisite court fees etc., and thereafter preferred the present appeal with application for condonation of delay. The impugned delay was not intentional and deliberate but owing to compliance of official process.

5] I am of the considered opinion that reasonable opportunity needs to be given to the applicant Acquiring Body to ventilate its grievances in the appellate forum. The appellant is the Government Agency i.e. Acquiring Body and in view of public interest, it is imperative to extend latitude while dealing with the condonation of delay, by adopting liberal and pragmatic approach. If the appeal/s of the appellant acquiring body is/are not allowed to be presented for further process on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicant/ Acquiring Body to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the interest of justice. Hence, the application for condonation of delay deserve to be allowed. In sequel, the application stands allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal.

6] On registration of appeal, issue notice to respondents. AGP waives notice for respondent No.1. R. & P. be called. After receipt of R. & P. matter be placed for admission in due course.

[K.K. SONAWANE]
JUDGE.

grt/-