

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

CIVIL APPLICATION NO. 3165 OF 2018
IN FAST/37545/2017

THE STATE OF MAHARASHTRA AND ORS
VERSUS
DYANOBA BABURAO KANDANGIRE

...
AGP for Applicants : Mr. A. M. Phule.
Advocate for Respondent-original claimant : Mr. G. K. Sontakke Patil.
...

CORAM : K.K. SONAWANE, J.

DATED : 3rd JULY, 2018.

Order :-

1. Heard learned AGP for applicants and learned counsel for respondent-original claimant. Perused the application.
2. The applicants moved present application 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. 307 of 2009 dated 06-09-2012 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 appeal. Hence, learned AGP requested to condone the delay.
3. The learned counsel for respondent-original claimant 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 application, I do not find any impediment to allow the application for condonation of delay. The public interest is involved into the matter. 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 appeal 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 application for condonation of delay deserve to be allowed.

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

6. On registration of appeal, issue notice to the respondent. Mr. P. G. Sontakke, learned counsel waives service of notice for respondent-original claimant.

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

8. List the appeal for admission in due course.

[K. K. SONAWANE]
JUDGE

rrd.