

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 CIVIL APPLICATION NO.4202 OF 2019
IN FAST/5579/2019

THE STATE OF MAHARASHTRA
VERSUS
MARUTI MAHADAPPA TIKAMBARE

...
Advocate for Applicant : Mr. Y. G. Gujrathi (Govt. Pleader)
Advocate for Respondents : Mr. Patne Santosh N.
...

CORAM : MANGESH S. PATIL, J.

DATE : 17.12.2019

PER COURT :

Heard both the sides.

2. This is an application for condonation of delay of 1921 days of the State to prefer appeal against the order of the reference Court passed under Section 18 of the Land Acquisition Act.

3. The learned A.G.P. by referring to the contents of the application submits that the delay has occasioned to enable all the official formalities to be complied with leading up to the filing of the appeal. The government circulars were issued from time to time in between, touching the aspects of preferring the appeal when the enhancement granted by the reference court is up to specified limit. Matters were again referred to and were considered by the concerned officers in all these factors had lead to the delay. It was occasioned *bona fide* and may be condoned.

4. The learned advocate for the original claimant opposes the application and submits that there is no sufficient and cogent explanation to be found in the application.
5. At the out set it is necessary to note that the grounds mentioned in the application have gone unchallenged in as much as the respondent claimant has not file any reply disputing in factual aspect.
6. Besides, taking into consideration the heavy burden which an acquiring body carrying of being interest at an alarming rate as compared to the rate prevalent in the market, it was not to gain anything for not preferring the appeal in time as each days delay would add to the burden.
7. In the absence of any material to demonstrate that the delay has occasioned *mala fide*, in my considered view, the delay is deserves to be condoned.
8. The application is allowed. The delay is condoned.
9. Issue notice in the appeal. Learned advocate Mr. Patne waives service for the respondent.
10. Call record and proceedings.

(MANGESH S. PATIL, J.)

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