

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

26 CIVIL APPLICATION NO.5677 OF 2019
IN FAST/8276/2019 WITH CA/5679/2019 IN FAST/8530/2019 WITH
CA/5681/2019 IN FAST/8540/2019 WITH CA/5683/2019 IN
FAST/8545/2019 WITH CA/5685/2019 IN FAST/8526/2019 WITH
CA/5687/2019 IN FAST/8522/2019 WITH CA/5689/2019 IN
FAST/8536/2019 WITH CA/5691/2019 IN FAST/8549/2019

THE STATE OF MAHARASHTRA
VERSUS
MAHADEV KISAN WAIKAR

...
Advocate for Applicant / State : Mr. R.B. Bagul
Advocate for Respondents : Mr. Patil Laxmikant C.
...

CORAM : MANGESH S. PATIL, J.
DATE : 07.11.2019

PC. :-

Heard both the sides. There is a delay of 1307 days for the State to prefer appeals challenging the judgment and award passed by the Reference Court under Section 18 of the Land Acquisition Act.

2. For the reasons mentioned in all these applications, it appears that there was sufficient cause which had prevented the State from preferring appeals in time. It is trite that unless the delay has occasioned due to some ulterior motive or is prompted by some *mala fide* it has to be condoned. The appellants never stand to gain by causing their appeal to be barred by time.

Therefore taking a pragmatic view, it would be appropriate if the rights are decided on merits rather than by default. The delay is condoned. Register the appeals. The Civil Applications are disposed of. Issue notice in the First Appeals. The learned advocate Mr. L.C. Patil waives service for the respondents in all these appeals.

[MANGESH S. PATIL, J.]