

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

24 CIVIL APPLICATION NO.5673 OF 2019
IN FAST/9388/2019

THE STATE OF MAHARASHTRA THR COLLECTOR OSMANABAD AND
OTHERS
VERSUS
ARJUN S/O RUDRAPPA GATE

...

Advocate for Applicants / State : Mr. A.M. Phule
Advocate for Respondents : Mr. Patil Laxmikant C.

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

PC. :-

Heard both the sides. There is a delay of 1388 days for the State to prefer this appeal challenging the judgment and award passed by the Reference Court under Section 18 of the Land Acquisition Act.

2. For the reasons mentioned in the application, it appears that there was sufficient cause which had prevented the State from preferring the appeal 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 appellant never stands to gain by causing his 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 appeal. The Civil Application is disposed of. Issue notice in the First Appeal. The learned advocate Mr. L.C. Patil waives service for the respondent original claimants in the First Appeal.

[MANGESH S. PATIL, J.]