

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

919 CIVIL APPLICATION NO.15018 OF 2011
IN FAST/28919/2011

THE STATE OF MAHARASHTRA THROUGH COLLECTOR, OSMANABAD
VERSUS
MADHAV SIDRAMAPPA BIRAJDAR, DIED THROUGH L.RS.
PARMESHWARA AND OTHERS

...

AGP for Applicant : Shri G.O. Wattamwar
Respondents served.

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919 CIVIL APPLICATION NO.15020 OF 2011
IN FAST/28833/2011

THE STATE OF MAHARASHTRA THROUGH COLLECTOR, OSMANABAD
VERSUS
SIDRAM SHANKARRAPPA BALYE AND ANOTHER

...

AGP for Applicant : Shri G.O. Wattamwar
Respondents served.

CORAM: V.L. ACHLIYA, J.

DATE: 16.04.2019

PER COURT :

1] Both these applications are filed seeking
condonation of delay of 459 days in filing respective
appeals for the reasons set out in detail in respective
applications filed alongwith the appeals.

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2] Heard learned AGP for the applicant. Respondents – claimants though served are absent.

3] In brief, it is the contention of learned AGP for the applicant that the delay caused in filing the appeals had occurred mainly due to time consumed in securing the legal opinion, approval from the higher authority and collecting requisite information for filing appeals. It is submitted that the appellant has good case to succeed in the appeals. The Special Land Acquisition Officer has granted compensation in the range of Rs.13,000/- to Rs.14,000/- per Hectare, which has been enhanced to Rs.40,000/- per Acre, that too without any legally sustainable evidence adduced in the case. The sale instance of the land situated at far away distance from the land acquired has been taken into consideration while enhancing the compensation.

4] Considering the submissions advanced in the light of unchallenged pleadings made in the applications explaining delay caused in filing appeals, I am of the view that the delay deserves to be condoned in the interest of justice. If delay is not condoned, there is every likelihood that a meritorious matter may be

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rejected for technical reasons. Keeping in mind the broad principles laid down in the case of *Esha Bhattacharjee V/s Managing Committee of Raghunathpur Nafar Academy and others* reported in **(2013)12 S.C.C., 649**, I am of the view that the delay deserves to be condoned.

5] Accordingly, the applications are allowed in terms of prayer clause (B) in respective applications. Delay condoned.

(V.L. ACHLIYA, J.)