

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.803 of 2015
IN
FIRST APPEAL (ST) NO. 14882 OF 2014
WITH
CIVIL APPLICATION NO. 804 OF 2015

The Executive Engineer
Pimpalgaon Joge Dam Project,
Narayangaon, Tal-Junnar,
District -Pune.

.. Applicant

Versus

Shri Balu Umaji Pansare and Ors.

.. Respondents

...

U. B. Nighot I/b. D.D. Shinde for the applicant.
Yogesh Dabake, AGP for the Respondent No. 2 and 3.

CORAM: BHARATI DANGRE, J.
DATED : 29th AUGUST, 2019.

P.C:-

1. The Executive Engineer, Pimpalgaon Joge Dam Project, Narayangaon, Taluka-Junnar, District-Pune, is being aggrieved by the judgment delivered by the Adhoc District Court-1 at Pune, in Land Reference u/s. 18 of the Land Acquisition Act, seeking enhancement of compensation. The First Appeal assailing the said judgment on the ground that the

Court has failed to take into consideration the necessary documents of evidence in the form of valuation reports and the evidence of the experts while enhancing the compensation.

2. In instituting the First Appeal delay has occasioned and therefore, separate Civil Application No. 803/2015 has been taken out seeking condonation of delay of 186 days in filing the First Appeal. I heard the learned counsel representing the applicant, who has invited my attention to the reasons cited in the said application. I have perused the said application and the delay is sought to be explained by stating the procedural formalities were required to be completed by the applicant and the application contains the stepwise progress and steps taken to pursue the matter and ultimately the appeal was filed assailing the impugned judgment.

It is no doubt true that the applicant is Government machinery and it is settled position of law that on sufficient cause being shown, the delay is entitled to be condoned and in particular, when the said machinery involves the hierarchy of the department and officers through which the papers are to be routed, the procedural formalities held them back from instituting the appeal within the period of limitation. While considering the delay on part of the State in instituting the appeals, the Courts should keep in mind the said aspect and be liberal in condoning

the delay and considering it to be important component of the litigation. The approach should not be pedantic but justice oriented. By applying the said principle, I am of the view that the delay occasioned in filing the present appeal by the applicant is sufficiently justified and in such circumstances, Civil Application No. 803/2015 is allowed.

3. As far as the merits of the matter, the learned counsel has invited my attention to the impugned order. After hearing the learned counsel, I pass the following order:-

ORDER

1. The First Appeal is directed to be registered.
2. The First Appeal No. 14882/2014 is admitted. Issue notice to the respondents.
3. The Appellant is directed to deposit the amount in the Reference Court within a period of 12 weeks, in terms of the judgment delivered by the Adhoc District Judge at Pune, in Land Reference No. 523/1998.

SMT. BHARATI DANGRE, J