

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL JURISDICTION
CIVIL APPLICATION NO.807 OF 2015
IN
FIRST APPEAL (ST) NO. 14885 OF 2014
WITH
CIVIL APPLICATION NO. 808 OF 2015

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

.. Applicant

Versus

Shri Vilas Baban Sadakal 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 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 assails 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. 807/2015 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 where the delay is sought to be explained by stating that the procedural formalities which were required to be completed 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 departments 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 the State 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 (ST) No.14885/2014 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. 504/1998.

SMT. BHARATI DANGRE, J