

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

CIVIL APPLICATION NO.2256 OF 2020 IN FAST/3987/2020

SUPER AGRICULTURAL PRODUCE MARKET COMMITTEE, JADHAVWADI,
AURANGABAD THR ITS SECRETARY
VERSUS
PANDIT KHEMCHAND HARANE AND ORS

...
Advocate for Applicant : Mr. S. S. Thombre
Advocate for Respondent No.1 : Mr. S. B. Solanke
AGP for Respondent No.2 : Mr. S. N. Morampalle

...
CORAM : K.K. SONAWANE, J.
DATED : 24th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant – Acquiring Body and learned counsel for respondent No.1 (original claimant) as well as learned AGP for respondent No.2 - State of Maharashtra. Perused the application and other relevant documents produced on record.

2. The applicant - Acquiring Body moved present application for condonation of delay of 286 days' caused in filing First Appeal against the impugned Judgment and Award passed by the learned 3rd Joint Civil Judge, Senior Division, Aurangabad, in LAR No. 131 of 1997 (Old LAR No.38 of 1989), dated 18-01-2019, filed under Section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicant-Acquiring Body, the learned Reference Court awarded excessive and exorbitant compensation amount in favour of respondent-original claimant. The impugned Judgment and Award was passed ex-parte against applicant-Acquiring Body. The applicant came to know about impugned Award only after filing execution proceeding by the respondent-claimant. The so-called delay was not intentional or deliberate, but, caused due to unavoidable circumstances and lack of knowledge.

3. Learned counsel for respondent No.1-original claimant submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of application.

4. Learned AGP for respondent No.2 submits for suitable order in the interest of justice.

5. I have given anxious consideration to the submissions advanced on behalf of both learned counsel. In view of nature of the subject-matter and reasons mentioned in the application, I do not find any impediment to allow the application for condonation of delay. The public interest is involved into the matter. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the application for consideration of delay. Therefore, it is imperative to grant some sort of latitude to the applicant- Acquiring Body to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondents. In contrast, it would sub-serve the purpose of substantial justice. Hence, the application for condonation of delay deserves to be allowed. In sequel, the Civil Application stands allowed in terms of prayer clause (A). Delay caused in filing first appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. The Civil application stands disposed of, accordingly.

6. On registration of appeal, issue notice to the respondents. Mr. S. B. Solanke, learned counsel waives service of notice for respondent No.1-original claimant, whereas, learned AGP waives service of notice for respondent No.2 State of Maharashtra.

7. Meanwhile, call for record and proceedings from the concerned Reference Court.

8. After compliance of procedural formalities, list the first appeal for admission or with the consent of both sides for final hearing on merit in due course.

Sd./-

[K. K. SONAWANE]
JUDGE