

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

CIVIL APPLICATION NO. 3304 OF 2012
IN
FAST APPEAL STAMP NO. 23528 OF 1998

STATE OF MAHARASHTRA
VERSUS
VITHOBA BALI PAWARE.

..
Mr. Y.G. Gujarathi, AGP for applicant.
Mr. R.R. Mantri, Advocate for respondent sole.

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CORAM : K.K. SONAWANE, J.

DATED : 08th JANUARY, 2020.

ORDER :-

Heard learned AGP for the applicant and learned counsel Mr. Mantri for the respondent/original claimant.

2] The present application is filed seeking condonation of delay of 160 days caused for filing appeal against the impugned judgment and award passed by the learned CJSD Latur, in LAR No. 57 of 1995.

3] Learned AGP submits that the delay is not deliberate and intentional but caused due to compliance of official process. He submits that the matter pertains to Land Acquisition Act and, therefore, it is necessary to condone the delay in the interest of justice.

4] Mr. Mantri, learned counsel for respondent raised objection and submits that the delay is not explained in proper manner.

5] Having given anxious consideration to the arguments advanced on behalf of both sides, I am of the considered opinion that reasonable opportunity needs to be given to the applicant

State to ventilate its grievances in the appellate forum. it is to be noted that the matter pertains to the enhancement of compensation amount under the Land Acquisition Act. The appellant is the State Government and in view of public interest, it is imperative to extend latitude while dealing with the application for condonation of delay, by adopting liberal and pragmatic approach. If the appellant/State is not allowed to present an appeal, on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. Therefore, I do not find any impediment to allow the applicant/ State to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent. In contrast, it would sub-serve the purpose in the interest of justice. Hence, the application for condonation of delay deserves to be allowed. In sequel, the application stands allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal. Application stands disposed of.

6] On registration of appeal, issue notice to respondent. Mr. Mantri, Advocate waives notice for the sole respondent-original claimant. List the appeal alongwith connected First Appeal Stamp No. 846 of 2002 for further process on 6th February, 2020.

[K. K. SONAWANE]
JUDGE

GRT/-