

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

CIVIL APPLICATION NO.5000 OF 2017 IN FAST/8966/2017

EXECUTIVE ENGINEER, SINA KOLEGAON PROJECT DIVISION,
PARANDA (UNDER THE M.K.V.D.C. LIMITED PUNE)
VERSUS
CHANDRAKANT MANIK KASAB AND ANR

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Advocate for Applicant : Mr. Shirish G. Sangle/ Mr. Rahul A. Tambe
Advocate for respondents-claimants : Mr. Abhijit S. More
AGP for Respondent-State of Maharashtra : Mr. S. P. Deshmukh
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WITH CA/4977/2017 IN FAST/8721/2017 WITH CA/4980/2017 IN FAST/8988/2017
WITH CA/4982/2017 IN FAST/8984/2017 WITH CA/4985/2017 IN FAST/8978/2017
WITH CA/4987/2017 IN FAST/8992/2017 WITH CA/4991/2017 IN FAST/8931/2017
WITH CA/4993/2017 IN FAST/8938/2017 WITH CA/4995/2017 IN FAST/8953/2017
WITH CA/4997/2017 IN FAST/8960/2017 WITH CA/5002/2017 IN FAST/8975/2017
WITH CA/5004/2017 IN FAST/8942/2017 WITH CA/5006/2017 IN FAST/8946/2017
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CORAM : K.K. SONAWANE, J.

DATED : 04th FEBRUARY, 2020.

ORDER :-

Mr. S. G. Sangle, learned counsel filed present proceedings on behalf of applicant-appellant-Acquiring Body. But, now, his name is not appeared in the list of Panel of Advocates constituted on behalf of appellant-Acquiring Body. Therefore, the appearance of Mr. S. G. Sangle, learned counsel on behalf of appellant-Acquiring Body stands discharged.

2. Mr. Tambe, learned counsel on instructions submits that he has instructions to appear on behalf of appellant-Acquiring Body. He undertakes to file *vakalatnama* within a period of two week.

3. Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondents-original claimant as well as learned AGP for respondent-State of Maharashtra. Perused the applications and other relevant documents produced on record.

4. The applicant - Acquiring Body moved present applications for condonation of delay of 408 days caused in filing the first appeals against impugned Judgment and Award, dated 16-07-2016, passed by the learned Civil Judge, Senior Division, Paranda, District Osmanabad, in proceedings of LAR/petitions filed under Section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicant-Acquiring Body, impugned Judgment and Award passed by the learned Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The applicant is body corporate having its independent entity. After procuring the funds for court fees, appeals came to be filed, however, there is delay in filing the appeals. According to learned counsel for applicant-Acquiring Body, delay so caused is not intentional or deliberate, but, caused due to compliance of official process.

5. Learned counsel for respondents-original claimants submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

6. Learned AGP for respondent-State of Maharashtra submits that suitable orders may be passed.

7. I have given anxious consideration to the submissions on behalf of both learned counsel. Considering the nature of subject-matter and reasons mentioned in the applications, I do not find any impediment to allow the applications for condonation of delay. The public interest is involved into the matters. It is settled law that liberal and pragmatic

approach is essential to be adopted by avoiding pedantic approach while dealing with the applications for condonation of delay. Therefore, it is imperative to grant some sort of latitude to the applicant-Acquiring Body to present appeals 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 applications for condonation of delay deserve to be allowed. In sequel, the Civil Applications stand allowed in terms of prayer clause (B). Delay of 408 days caused in filing first appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. The Civil Applications are disposed of, accordingly.

8. On registration of appeals, issue notice to the respondents. Mr. Abhijit S. More, learned counsel waives service of notice for respondents-original claimants, whereas, learned AGP waives service of notice for respondent-State of Maharashtra.

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

10. After compliance of procedural formalities, list the first appeals for admission in due course.

Sd./-

[K. K. SONAWANE]
JUDGE