

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

**CIVIL APPLICATION NO.11905 OF 2019
IN FAST/11493/2014**

**THE STATE OF MAHARASTHRA AND ANOTHER
VERSUS
GORAKHANATH PANDURANG UGALE AND OTHERS**

...
AGP for Applicants : Mr. S. P. Tiwari
Advocate for Respondents-claimants : Mr. Vitthal M. Chate (Absent)
...

CORAM : K.K. SONAWANE, J.

DATED : 04th FEBRUARY, 2020.

ORDER :-

Heard learned AGP for the applicant – State of Maharashtra. Perused the application and other relevant documents produced on record. When the matter is called out, no one else appeared on behalf of respondents-original claimants.

2. The present matter is pending since year 2014 for the issue of condonation of delay. Therefore, I prefer to proceed further for adjudication of application for condonation of delay in absence of respondents-original claimants.

3. This is an application for condonation of 1080 day's delay caused in filing First Appeal against the impugned Judgment and Award passed by the learned District Judge-2, Ambajogai, District Beed, in Land Acquisition Reference No. 6 of 2007, dated 15-02-2011. According to learned AGP, the so-called delay caused for filing appeal is not intentional and deliberate, but caused due to compliance of procedural formalities. Hence, he requested to condone the delay.

4. Admittedly, the matter pertains to the land acquisition proceeding. The appellant- State of Maharashtra preferred the appeal against the impugned Judgment and Award passed by the learned Reference Court on the ground that the market value determined by the learned Reference Court is exorbitant and excess in nature. In view of the nature of subject matter and the reasons mentioned in the application for compliance of procedural formalities, I do not find any impediment to condone the delay. Admittedly, the public interest is involved in the matter. In case, the delay is not condoned, no one individual would be affected, but the public funds are at stake. Therefore, in the interest of justice, I preferred to adopt liberal and pragmatic approach in favour of appellant-applicant. In such circumstances, application for condonation of delay caused for filing first appeal against impugned Judgment and Award passed by the learned District Judge-2, Ambajogai, District Beed, in Land Acquisition Reference No. 6 of 2007, dated 15-02-2011, is hereby allowed. The so-called delay stands condoned. Accordingly, the Civil Application stands disposed of. The Registry to take requisite steps for further process.

5. On registration of appeal, issue notice of hearing of appeal at the stage of admission to the respondents-original claimants.

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

7. After compliance of procedural formalities, list the first appeal for admission in due course.

Sd./-

[K. K. SONAWANE]
JUDGE