

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

937 CIVIL APPLICATION NO.14346 OF 2018
IN FAST/13723/2018
WITH CA/14347/2018 IN FAST/13723/2018
WITH CA/14348/2018 IN FAST/14158/2018
WITH CA/14349/2018 IN FAST/14158/2018
WITH CA/14350/2018 IN FAST/14153/2018
WITH CA/14351/2018 IN FAST/14153/2018

EX. ENGINEER, IRRIGATION PROJECT MAJBUTIKARN DIV. OMERGA (NOW
UNDER THE M.K.V.D.C

VERSUS

RAMESH BABURAO SURYAWANSHI AND ORS

...

Advocate for Applicant : Shri Sangle Shirish G.

Advocate for Respondent No. 1 : Smt. L.R. Thakur h/f Shri Patil
Laxmikant C.

AGP for Respondent Nos. 2 and 3 : Shri. R.D. Sanap.

CORAM : M.G.SEWLIKAR, J.

DATE : 13th MARCH, 2020.

PER COURT :

. Heard the learned counsel for the parties.

2 These are the applications for condonation of the delay of
1750 days in filing appeal.

3. It is alleged in the applications that there is procedural
delay. The sanction for preferring appeal from the Higher Authorities
could not be obtained within the prescribed period of limitation. The
delay is not intentional.

4. Smt. Thakur, the learned counsel for the respondent No. 1

and the learned AGP Shri Sanap, for the State/respondent Nos. 2 and 3 have strongly opposed these applications on the ground that no sufficient cause is made out by the applicants for the condonation of delay.

5. The learned counsel for the applicants Shri Sangle placed reliance on **Ningappa Thotappa Angadi Vs. Special Land Acquisition Officer and another** decided on 13.12.2019 in Civil Appeal No. 9415/2019 arising out of Special Leave Petition (C) No. 11015/2017, the Hon'ble Supreme Court has held as under :-

8. We find that the issue raised in this appeal is no longer res-integra. This Court in Dhiraj Singh (Dead) through LRs. and others Vs. State of Haryana and others held that :

"14. The appellants are identically situated and there is no reason to meet out a different treatment to them. We also note that, while in these cases, the High Court had refused to condone the delay and dismissed the LPAs of the appellants, other LPAs were allowed by the High Court itself by condoning the delay of the same magnitude in the same circumstances.

15. Equities can be balanced by denying the appellants' interest for the period for which they did not approach the Court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hypertechnical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of

the Court has to be pragmatic and not pedantic.

(Emphasis applied)

6. In the aforesaid case the period of delay was 2928 days. Having regard to the law laid down by the Hon'ble Supreme Court, the delay caused in preferring the appeal can be condoned subject to condition that the applicants shall deposit the entire amount of compensation with interest thereon within the period of six weeks from today, if not already deposited.

7. For the reasons stated in the application the delay is condoned subject to the condition that the applicants shall deposit the entire amount of compensation with interest thereon within a period of six weeks from today, if not already deposited.

8. The civil applications for delay condonation and stay are disposed of.

9. Copy of this order be kept in Appeal.

[M.G.SEWLIKAR]
JUDGE