

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

CIVIL APPLICATION NO.1897 OF 2019 IN FAST/14011/2018

THE G.M.I.D.C, THR THE EX. ENGINEER, NIMNA DUDHANA PROJECT,
DIV. SELU AND ORS
VERSUS
INDRAJIT DADARAO WAGH

...
Advocate for Applicant No.1 : Mr. Anil M. Gaikwad
AGP for Applicants No. 2 and 3 : Mr. R. B. Bagul
Advocate for Respondent-sole : Mr. Kumar Gaurav M. More
...

CORAM : K.K. SONAWANE, J.

DATED : 04th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant No.1 – Acquiring Body and learned counsel for respondent No.1 (original claimant) as well as learned AGP for applicants No.2 and 3. Perused the application and other relevant documents produced on record.

2. The applicant No. 1 - Acquiring Body moved present application for condonation of delay of 226 days caused in filing first appeal against impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Jalna, in LAR No. 304 of 2011, dated 22-06-2017, 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. Applicant No. 1 is body corporate having its independent entity. After procuring the funds for court fees, appeal came to be filed, however, there is delay in filing the appeal. According to learned counsel for applicant-Acquiring Body, delay so caused is not intentional or deliberate, but, caused due to compliance of official process.

3. Learned AGP for applicants No.2 and 3 submits for suitable order in the interest of justice.

4. Learned counsel for respondent-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.

5. I have given anxious consideration to the submissions on behalf of both learned counsel. Considering the 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 respondent-original claimant. Mr. Kumar Gaurav M. More, learned counsel waives service of notice for respondent-original claimant.

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