

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

**927 CIVIL APPLICATION NO.545 OF 2020
IN FAST/15160/2019
WITH CA/547/2020 IN FAST/16648/2019
WITH CA/549/2020 IN FAST/16645/2019
WITH CA/551/2020 IN FAST/16642/2019
WITH CA/553/2020 IN FAST/16651/2019**

THE EX. ENGINEER, LATUR MINOR IRRIGATION DIVISION, LATUR
VERSUS
ASHOK DATTATRAY GANJEWAR AND ORS

...
Advocate for Applicant : Ms.Chaitali R.Kutti Choudhary
AGP for Respondent-State of Maharashtra : Mr.Y.G.Gujrathi
Advocate for Respondents-claimants : Mr.Mahesh S.Patil

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CORAM : K.K.SONAWANE, J.

DATE: 17th January, 2020

PER COURT:-

1. Issue notice to the respondents. Mr.Mahesh S.Patil, learned counsel submitted that he has instructions to appear on behalf of respondents-claimants and he undertakes to file Vakalatnama during the course of the day. Learned AGP waives service of notice for respondent-State of Maharashtra.
2. Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondents-claimants as well as learned AGP for respondent-State of Maharashtra. Perused the applications and relevant documents produced on record.
3. The applicant-Acquiring Body moved present applications for condonation of delay caused in filing the first appeals against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition References 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

Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. 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, delay so caused is not intentional or deliberate, but caused due to compliance of official process.

4. Learned counsel appearing for respondents-claimants raised objections and submits that delay has not been explained satisfactorily. The learned Reference Court has correctly appreciated evidence on record and awarded reasonable market value for the acquired land. Therefore, delay may not be condoned. The learned AGP requested for passing suitable order.

5. I have given anxious consideration to the submissions of learned counsel for the parties. Considering the nature of the 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 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 respondent.* 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 applications stands allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. Civil applications stand disposed of accordingly.

6. On registration of appeals, issue notice of admission of appeals to the respondents. Mr.Mahesh S.Patil, learned counsel waives service

of notice for respondents-claimants. Learned AGP waives service of notice for respondent-State of Maharashtra.

7. Meanwhile, call for Record and Proceedings from the concerned learned Reference Court.

8. After compliance of procedural formalities, list the appeals for admission in due process.

(K.K.SONAWANE)
JUDGE

SPT