

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

**29 CIVIL APPLICATION NO.8853 OF 2019
IN FAST/16454/2019
WITH CA/8856/2019 IN FAST/16830/2019**

...
THE BRANCH MANAGER, JALGAON MIDC, JALGAON
VERSUS
SHAIKH IBRAHIM HAJI GULAM NABI (DIED) THR LRS AYESHABI
AND ORS

...
Advocate for Applicant : Ms.Madhaveshwari Mhase
AGP for Respondents - State : Mr.S.P.Deshmukh

...
CORAM : K.K.SONAWANE, J.

DATE: 13th January, 2020

PER COURT:-

1. Heard learned counsel for the applicant-Acquiring Body. Despite service of notice to the respondents-claimants, no one else appeared on their behalf. Learned AGP is present for the respondent-State of Maharashtra. Perused the applications and relevant documents produced on record.

2. The applicant-Acquiring Body moved the present applications for condonation of delay 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.

3. As referred above, the respondents-original claimants did not turn up to this Court even after service of notice. Therefore, no opportunity is received for hearing of the respondents-claimants in these matters.

4. 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 stand 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.

5. On registration of appeals, issue notice of admission of appeals to the respondents, returnable on 17.02.2020. Learned AGP waives service of notice for respondents – State authorities.

6. After compliance of procedural formalities, List the appeals for further process on 17.02.2020.

(K.K.SONAWANE)
JUDGE

SPT