

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

CIVIL APPLICATION NO.9098 OF 2019 IN FAST/17391/2019

EX. ENGINEER, M.I.D.C., JALGAON
VERSUS
CHHANNU DIPA BAVISKAR (DIED) THROUGH LRS MULCHAND
AND OTHERS

...
Advocate for Applicant : Ms. Madhaveshwari Mhase for Jay And Co.
AGP for Respondents – State and SLAO : Mr. R. B. Bagul

...
WITH CA/9100/2019 IN FAST/17398/2019 WITH CA/9104/2019 IN FAST/17383/2019

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

DATED : 10th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant – Acquiring Body and learned AGP for respondents– State of Maharashtra and Special Land Acquisition Officer (SLAO). Despite service of notice, no one else appeared on behalf of respondents-original claimants. Perused the applications and other relevant documents produced on record.

2. The applicant - Acquiring Body moved present application for condonation of delay of 408 days caused in filing the first appeals against impugned Judgment and Award passed by the learned 4th Joint Civil Judge, Senior Division, Jalgaon, in Land Acquisition References No. 464, 465 and 462 of 2008, dated 14-12-2017, 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. The 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-Acquiring Body, delay so caused is not intentional or deliberate, but, caused due to compliance of official process.

3. Learned AGP for respondents- State of Maharashtra and SLAO submits that suitable orders may be passed.

4. As referred supra, despite service of notice, no one has caused appearance on behalf of respondents-original claimants, therefore, opportunity is not received for hearing to them.

5. I have given anxious consideration to the submission advanced on behalf of learned counsel for applicant-Acquiring Body. Considering 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 matters. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the applications 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 applications for condonation of delay deserve to be allowed. In sequel, the Civil Applications are allowed in terms of prayer clause (B). Delay of 408 days caused in filing first appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. The Civil applications are disposed of, accordingly.

6. On registration of appeals, issue notice to the respondents. Learned AGP waives service of notice for respondents- State of Maharashtra and SLAO.

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

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

Sd./-

[K. K. SONAWANE]
JUDGE