

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

936 CIVIL APPLICATION NO. 9368 OF 2019
IN FAST/17592/2019

HARIBHAU SAMBHAJI KUNDGIR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
WITH CA/9369/2019 IN FAST/17889/2019
WITH CA/9370/2019 IN FAST/17886/2019
WITH CA/9371/2019 IN FAST/17883/2019
WITH CA/9372/2019 IN FAST/17863/2019
WITH CA/9373/2019 IN FAST/17860/2019
WITH CA/9374/2019 IN FAST/17873/2019
WITH CA/9375/2019 IN FAST/17875/2019
WITH CA/9376/2019 IN FAST/17879/2019
WITH CA/9377/2019 IN FAST/17843/2019
WITH CA/9378/2019 IN FAST/17871/2019
WITH CA/9380/2019 IN FAST/17845/2019

...
Advocate for Applicants : Mr. Mahesh P. Kale
AGP for Respondents No.1 and 2 : Mr. Y.G. Gurathi
Advocate for Respondent No. 3 : Mr. R.B. Gaikwad

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CORAM : K.K. SONAWANE, J.

DATED : 15th JANUARY, 2020.

ORDER :-

1. Heard learned counsel for the parties.
2. Perused the applications and relevant documents produced on record. It has been submitted on behalf of the applicants that delay caused in filing the appeal is not intentional or deliberate but it caused due to unavoidable circumstances as well financial crises for filing the present appeals. The delay caused in filing the appeal is very meagre. A reasonable opportunity be given to applicants for seeking relief of enhancement of compensation in these matters. Hence, learned counsel for applicants prayed for condonation of delay.
3. The learned AGP for respondents No. 1 and 2 and Mr. Gaikwad, learned counsel for respondent No. 3 submit that there is inordinate delay, which has not been explained satisfactorily, therefore, the same

cannot be condoned and prayed for rejection of applications.

4. Perused the applications and relevant documents on record. Admittedly, the matters pertain to enhancement of compensation for the lands under acquisition. The learned Reference Court partly allowed the Reference Petitions filed by the applicants under section 18 of the Land Acquisition Act, 1894. The applicants intend to challenge the findings for awarding meagre compensation amount and also intend to seek enhancement of compensation.

5. In view of the aforesaid submissions and for the reasons mentioned in the applications that the delay so caused in filing the appeals was only due to unavoidable circumstances as well financial crises, I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate grievances before the Appellate Forum. There is sufficient cause to allow the applications for condonation of delay. 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 applicants to present an appeals by condoning the delay. It would not cause any prejudice or injustice to the respondents. The applications for condonation of delay are required to be allowed.

6. In sequel, applications are allowed in terms of prayer clause "B". The delay caused to present the appeals against the impugned Judgment and Award stands condoned. Registry to take requisite steps for further process.

7. The civil applications are allowed in aforesaid terms and stand disposed of.

8. On registration of appeal, issue notice to the respondents. Learned AGP waives service of notice for respondents No. 1 and 2 and Mr. Gaikwad, learned counsel waives service of notice on behalf of respondent No. 3- Acquiring Body.

9. Meanwhile, call for record and proceedings from the concerned learned Reference Court.
10. List the appeals for admission in due course.

Sd./-

[K. K. SONAWANE]
JUDGE

MTK