

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

**916 CIVIL APPLICATION NO.7748 OF 2019  
IN FAST/18852/2019**

THE STATE OF MAHARASHTRA  
VERSUS  
BHALCHANDRA SHANKAR LALE

...  
AGP for Applicant : Mr.Y.G.Gujrathi

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

**DATE: 30<sup>th</sup> January, 2020**

**PER COURT:-**

1. Heard learned AGP for the applicant-State of Maharashtra. Despite service of notice on respondent-claimant, no one else appeared on behalf of him.
2. Applicant moved present application for condonation of delay caused in filing the first appeal against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition Reference filed under section 18 of the Land Acquisition Act, 1894. According to learned AGP for the applicant, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. After procuring the funds for court fees appeal came to be filed, however, there is delay in filing the appeal. According to learned AGP for applicant, delay so caused is not intentional or deliberate, but caused due to compliance of official process.
3. As referred above, the respondent-original claimant did not turn up to this Court even after service of notice. Therefore, no opportunity is received for hearing of the respondent-claimant in this matter.

4. I have given anxious consideration to the submissions advanced by learned AGP. 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 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 application for condonation of delay deserve to be allowed.

5. In sequel, application stands allowed in terms of prayer clause (B). Delay caused in filing appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. Civil application stands disposed of accordingly.

6. On registration of appeal, issue notice to the respondent-claimant.

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

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

**( K.K.SONAWANE )**  
**JUDGE**

SPT