

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

**918 CIVIL APPLICATION NO.9533 OF 2019
IN FAST/21241/2019**

THE STATE OF MAHARASHTRA AND ORS
VERSUS
LIMBAJI TRIYAMBAK DAWAKARE AND ANR

...
WITH CA/9535/2019 IN FAST/21441/2019
WITH CA/9537/2019 IN FAST/21438/2019
WITH CA/9539/2019 IN FAST/21431/2019
WITH CA/9541/2019 IN FAST/21435/2019

...
AGP for Applicants-State Authorities : Mr.Y.G.Gujrathi

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

DATE: 30th January, 2020

PER COURT:-

1. Heard learned AGP for the applicants-State Authorities. Despite service of notice on respondents-claimants, no one else appeared on behalf of them.
2. Applicants 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 AGP for the applicants-State Authorities, 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 appeals came to be filed, however, there is delay in filing the appeals. According to learned AGP for applicants-State Authorities, 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. I have given anxious consideration to the submissions advanced by learned AGP. 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 applicants 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.

5. In sequel, 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.

6. On registration of appeals, issue notice to the respondents-claimants.

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

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

(K.K.SONAWANE)
JUDGE

SPT