

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

CIVIL APPLICATION NO.2192 OF 2018 IN FAST/22977/2017

EX. ENGINEER, IRRIGATION PROJECT STRENGTHENING DIV. OMERGA THR
MKVDC PUNE AND ORS
VERSUS
RAJUDDIN ABDUL SHAIKH

...
Advocate for Applicant No.1 Acquiring Body : Mr. Rahul A. Tambe
Advocate for Respondent-claimant/s : Ms.L.R.Thakur h/f. Mr.Laxmikant C. Patil

...
WITH CA/2194/2018 IN FAST/23345/2017 WITH CA/2196/2018 IN FAST/23339/2017
WITH CA/2198/2018 IN FAST/23330/2017 WITH CA/2201/2018 IN FAST/23335/2017
WITH CA/2203/2018 IN FAST/23342/2017

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CORAM : K.K. SONAWANE, J.
DATED : 12th MARCH, 2020.

ORDER :-

Ms. L. R. Thakur, learned counsel submits that, Mr. L. C. Patil, learned counsel has instructions to appear on behalf of respondents-original claimants in the proceedings of CA/2196 and 2197/2018 in FAST/22339/2017 and CA/2201 and 2202/2018 in FAST/23335/2017. He undertakes to file *vakalatnama* within a period of two weeks.

2. Heard Mr. R. A. Tambe, learned counsel for the applicant-Acquiring Body and learned counsel appearing for respondents-original claimants. Perused the applications and other relevant documents produced on record.

3. The applicant - Acquiring Body moved present applications for condonation of delay of 1168 days caused in filing the first appeals against impugned Judgment and Award, dated 16-07-2013, passed by the learned 2nd Joint Civil Judge, Senior Division, Osmanabad, in the proceedings of LAR No. 420, 418, 421, 422, 423 and 469 of 2008, 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.

4. Learned counsel for respondents-original claimants submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

5. I have given anxious consideration to the submissions on behalf of both learned counsel. Considering the nature of 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 condonation of delay. Therefore, it is imperative to grant some sort of latitude to the applicant-Acquiring Body to present appeals 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 stand allowed in terms of prayer clause (B). Delay of 1168 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-original claimants. Ms. L. R. Thakur h/f. Mr. Laxmikant C. Patil, learned counsel waives service of notice for respondents-original claimants.

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

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

Sd./-
[K. K. SONAWANE]
JUDGE