

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

**21 CIVIL APPLICATION NO.1073 OF 2018
IN FAST/24442/2017**

THE STATE OF MAHARASHTRA AND ANR
VERSUS
SHANKARRAO MAHADU CHIKNE

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

CORAM : K.K.SONAWANE, J.

DATE: 13th January, 2020

PER COURT:-

1. Heard learned AGP for the applicant-State. Despite service of notice on respondent-claimant, no one else appeared on behalf of him.
2. The applicants moved the present application for condonation of delay 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-State, 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. 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 - Acquiring Body 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. In sequel, the application stand 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 stand disposed of accordingly.

4. On registration of appeal, issue notice to the respondent.
5. Meanwhile, call for record and proceeding from the concerned learned Reference Court.
6. List the appeal for admission in due course.

(K.K.SONAWANE)
JUDGE

SPT