

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

CIVIL APPLICATION NO.9159 OF 2019
IN FAST/26733/2018

THE EX. ENGINEER, MINOR IRRIGATION DIVISION, LATUR THR
G.M.I.D.C., AURANGABAD
VERSUS
MINABAI BABURAO GUTTE AND OTHERS

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Advocate for Applicant : Mr. Sudhir G. Bhalerao
Advocate for Respondents-claimants : Mr. A. B. Kale (Absent)
AGP for Respondents – State and SLAO : Mr. P. M. Kulkarni

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CORAM : K.K. SONAWANE, J.

DATED : 10th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant – Acquiring Body and learned AGP for respondents– State of Maharashtra and Special Land Acquisition Officer (SLAO). When the matter is called out, learned counsel appearing for respondents-claimants did not turn up to this Court. Perused the application and other relevant documents produced on record.

2. The applicant - Acquiring Body moved present applications for condonation of delay caused in filing the first appeal against impugned Judgment and Award passed by the learned Joint Civil Judge, Senior Division, Ahmedpur, District Latur, in LAR No. 3 of 2009, dated 07-04-2014, 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, appeal came to be filed, however, there is delay in filing the appeal. According to learned counsel for applicant-Acquiring Body, delay so caused is not intentional or deliberate, but, caused due to compliance of official process.

3. Learned AGP for respondents- State of Maharashtra and SLAO submits that suitable orders may be passed.

4. I have given anxious consideration to the submission advanced on behalf of learned counsel for applicant-Acquiring Body. Considering 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 applications 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 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 Application is allowed in terms of prayer clause (B). Delay caused in filing first appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. The Civil application stands disposed of, accordingly.

5. On registration of appeal, issue notice to the respondents. Learned AGP waives service of notice for respondents No.3 and 4 - State of Maharashtra and SLAO.

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

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

Sd./-

[K. K. SONAWANE]
JUDGE