

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

CIVIL APPLICATION NO.11935 OF 2019 IN FAST/27116/2019

THE STATE OF MAHARASHTRA AND ORS
VERSUS
PARASRAM BAJIRAO SAWANT (DIED) THR LRS JAGANNATH PARASRAM
SAWANT

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

...
WITH CA/11938/2019 IN FAST/27312/2019
WITH CA/11939/2019 IN FAST/27304/2019
WITH CA/11941/2019 IN FAST/27308/2019

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

DATED : 12th MARCH, 2020.

ORDER :-

Heard learned AGP for the applicants - State of Maharashtra, Special Land Acquisition Officer and Acquiring Body. Despite service of notice, no one else appeared on behalf of respondents-claimants. Perused the applications and other relevant documents produced on record.

2. The present applications for condonation of 1776 days' delay caused in filing First Appeals against the impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Osmanabad, in the proceedings of LAR No. 37, 38, 137 of 2009 and 154 of 2013, dated 19-07-2014. According to learned AGP, the so-called delay caused for filing appeal is not intentional and deliberate, but, caused due to compliance of procedural formalities. Hence, he requested to condone the delay.

3. Admittedly, the matters pertain to the land acquisition proceedings. The appellant- State of Maharashtra preferred the appeal against impugned Judgment and Award passed by the learned Reference Court on the ground that the market value determined by the learned Reference Court is exorbitant and excess in nature. In view of the nature of subject matter and the reasons mentioned in the application for compliance of procedural formalities, I do not find any impediment to condone the delay. Admittedly, the public interest is involved in the matters. In case, the delay is not condoned, no one individual would be affected, but the public funds are at stake. Therefore, in the interest of justice, I preferred to adopt liberal and pragmatic approach in favour of appellant-applicant. In such circumstances, applications for condonation of delay caused for filing first appeals against impugned Judgment and Award passed by the learned Civil Judge, Senior Division, Osmanabad, in LAR No. 37, 38, 137 of 2009 and 154 of 2013, dated 19-07-2014, are hereby allowed. The so-called delay stands condoned. Accordingly, the Civil Applications are disposed of. Registry to take requisite steps for further process.

4. On registration of appeals, issue notice of hearing of appeals at the stage of admission to the respondents-original claimants.

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

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

Sd./-

[K. K. SONAWANE]
JUDGE