

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

929 CIVIL APPLICATION NO. 11925 OF 2019
IN FAST/27295/2019

THE STATE OF MAHARASHTRA AND ORS
VERSUS
BIBHISHAN HARISHCHANDRA SHERKHANE

...
AGP for Applicants : Mr. S.N. Morampalle
Respondents Served

...
WITH CA/11927/2019 IN FAST/27301/2019
....

CORAM : K.K. SONAWANE, J.

DATED : 05th MARCH, 2020.

ORDER :-

1. Heard learned AGP for applicants. Despite service of notice, no appearance is caused on behalf of respondents - original claimants.
2. The applicants-Authorities- Acquiring Body moved the present applications for condonation of delay 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, the 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 counsel for applicants, delay so caused is not intentional or deliberate, but caused due to compliance of official process.
3. Despite service of notice, no appearance is caused on behalf of respondents-original claimants, hence, there is no opportunity to hear the respondents-original claimants.
4. I have given anxious consideration to the submission 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 - 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 applications for condonation of delay deserve to be allowed. In sequel, the 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 appeal. Civil applications stand disposed of accordingly.

5. On registration of appeal, issue notice to the respondents.
6. Meanwhile, call for record and proceedings from the concerned learned Reference Court.
7. List the appeals for admission in due course.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK