

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

CIVIL APPLICATION NO.14116 OF 2018
IN FAST/28638/2018

UMARRAOSINGH BHAGWANSINGH RAJPUT DIED THR LRS SUNDARABI
AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND ORS

...
Advocate for Applicants : Mr. Vivekanand V. Ingale
AGP for Respondents : Mr. S. P. Deshmukh

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

DATED : 16th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicants-original claimants and learned AGP for respondents. Perused the application and relevant documents produced on record.

2. It has been submitted on behalf of the applicants-claimants that delay caused in filing the appeal is not intentional or deliberate, but, it caused due to unavoidable circumstances as well financial crises for filing the present appeal. Learned counsel submits that, the delay caused is very meagre. The reasonable opportunity be given to the applicants for seeking relief of enhancement of compensation in this matter. Hence, he prays for condonation of delay.

3. The learned AGP for respondents No.1 and 2 submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of application.

4. Admittedly, the matter pertains to enhancement of compensation for the land under acquisition. The learned Reference Court partly allowed the Reference Petition filed by the applicants under section 18 of the Land Acquisition Act, 1894. The applicants intend to challenge the findings for awarding scanty compensation amount and also intend to seek enhancement of compensation.

5. In view of the aforesaid submissions and for the reasons mentioned in the application that the delay so caused in filing the appeal was only due to unavoidable circumstances as well financial crises, I find it justifiable to give reasonable opportunity to the applicants-appellants in the interest of justice to ventilate grievances before the Appellate Forum. It is rule of law that while dealing with the application of condonation of delay, the liberal and pragmatic approach is required to be adopted by avoiding the pedantic approach. Therefore, I am of the opinion that there is a sufficient cause to condone the delay in this matter.

6. In sequel, The Civil Application is allowed in terms of prayer clause "B". The delay caused to present the appeal against the impugned Judgment and Award stands condoned. Registry to take requisite steps for further process.

7. The Civil Application is stands disposed of in above terms.

8. On registration of appeal, issue notice to the respondents. Learned AGP waives service of notice for all the respondents.

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

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

Sd./-

[K. K. SONAWANE]
JUDGE

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