

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

936 CIVIL APPLICATION NO.12320 OF 2019
IN FAST/28285/2019

VASUDEO BANSI LOKHANDE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER NO. 3 U.T.P.H JALGAON
AND ANR

...
Advocate for Applicants : Mr. Madhav M Bhokarikar
AGP for Respondents: Mr. S.P. Deshmukh.

CORAM : K.K. SONAWANE, J.

DATE : 14TH JANUARY, 2020.

PER COURT:

1] Heard learned counsel for the applicant and learned AGP for respondent No.1 Special Land Acquisition Officer. Despite service of notice, no one else appeared on behalf of respondent No.2 Acquiring Body.

2] Perused the application. The present application is filed for condonation of 91 days delay caused for filing appeal against the impugned judgment and order passed by the Reference Court in LAR NO. 1004 of 2014 . Learned Counsel for applicant/s submits delay is not deliberate and intentional but caused due to unavoidable circumstances.. As such, he prayed to condone the delay.

3] Learned counsel AGP for the respondent-SLAO raised objection and submits that delay has not been properly explained and it would be unjust and improper to condone the delay.

4] I have heard the submission canvassed on behalf of both sides and perused the application as well as the impugned judgment and award against which the applicant is intending to file an appeal. In view of nature of subject matter and reasons mentioned in the application, I do not find any impediment to condone the delay. The matter pertains to determination of market value of the land under acquisition. According to learned counsel for applicants, the learned reference court has partly allowed the reference and granted meager compensation amount . Therefore, the applicant is intending to agitate the findings of the learned Reference Court.

5] I am of the considered opinion that reasonable opportunity needs to be given to the applicant to ventilate his grievances in the appellate forum. it is to be noted that the matter pertains to the enhancement of compensation amount under the Land Acquisition Act. It is settled rule of law that while dealing with the application for condonation of delay, the court should adopt liberal and pragmatic approach instead of adopting pedantic approach. Therefore, I do not find any impediment to allow the applicant State to present an appeal by condoning the delay. It

would not cause any prejudice or injustice to the applicant/original claimant. In contrast, it would sub-serve the interest of justice.

Hence, the application for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay of 91 days caused in filing appeal against the impugned judgment and award is hereby condoned. Registry to take requisite steps for registration of appeal.

5] On registration of appeal, issue notice to respondents. Learned AGP waives notice for respondent No.1 Meanwhile call for R.& P from the concerned Reference Court. List the matter for admission on 17th February, 2020.

[K.K. SONAWANE]
JUDGE.

Grt/-.