

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

**50 CIVIL APPLICATION NO.11269 OF 2019
IN FAST/28708/2019**

THE EX. ENGINEER, MINOR IRRIGATION DIVISION, JALGAON AND
ORS
VERSUS
RIYAZ SHAH SHABBIR SHAH FAKIR

...
WITH CA/11285/2019 IN FAST/28716/2019
WITH CA/11287/2019 IN FAST/28711/2019

...

**51 CIVIL APPLICATION NO.11270 OF 2019
IN FAST/28654/2019**

THE EX. ENGINEER, MINOR IRRIGATION DIVISION, JALGAON AND
ORS
VERSUS
KHAIRUNISABI SHABBIR SHAH FAKIR

...
WITH CA/11272/2019 IN FAST/28658/2019
WITH CA/11274/2019 IN FAST/28648/2019

...

Advocate for Applicants : Mr.Suresh D. Dhongade
AGP for Respondents : Mr.S.N.Morampalle

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CORAM : K.K.SONAWANE, J.

DATE: 17th February, 2020

PER COURT:-

1. Heard learned counsel for the applicant-Acquiring Body and learned AGP for applicants-State Authorities. Despite service of notice to the respondents-claimants, no one else appeared on their behalf. Perused the applications and relevant documents produced on record.

2. The applicant-Acquiring Body moved present applications for condonation of delay caused in filing the first appeals against impugned Judgments and Awards passed by the learned Reference Court in Land Acquisition References filed under section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicant-Acquiring Body, impugned Judgments and Awards passed by the Reference Court are erroneous, illegal and are not as per the provisions of Land Acquisition Act, 1894. 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 appeals. According to learned counsel for applicant, delay so caused is not intentional or deliberate, but caused due to compliance of official process.

3. As referred above, the respondents-original claimants did not turn up to this Court even after service of notice. Therefore, no opportunity is received for hearing of the respondents-claimants in these matters.

4. I have given anxious consideration to the submissions advanced on behalf of learned counsel for applicant-Acquiring Body and learned AGP for the applicants-State Authorities . 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 applicant - Acquiring Body to present appeals 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 applications stand allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned Judgments and Awards is hereby condoned. Registry to take requisite steps for registration of appeals. Civil applications stand disposed of accordingly.

5. On registration of appeals, issue notice of admission of appeals to the respondents, returnable on 31.03.2020.

6. After compliance of procedural formalities, list the appeals for further process on 31.03.2020.

(K.K.SONAWANE)
JUDGE

SPT