

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

CIVIL APPLICATION NO.996 OF 2020
IN FAST/31831/2019

RAJENDR DASHRATH DATEY PATIL
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Madhur A. Golegaonkar
AGP for sole-Respondent : Mr. S. P. Deshmukh
...

CORAM : K.K. SONAWANE, J.

DATED : 28th JANUARY, 2020.

ORDER :-

Heard learned counsel for the applicant-original claimant and learned AGP for the sole-respondent. Perused the application and other relevant documents produced on record.

2. Present application is seeking condonation of 248 days delay caused in filing first appeal against impugned Judgment and Award passed by the learned 4th Joint Civil Judge, Senior Division, Aurangabad, in LAR No. 34 of 1997 (Old LAR No. 70 of 1985) dated 12-10-2018. Learned counsel for the applicant-claimant submits that, the delay so caused is not intentional or deliberate, but, it was caused due to ignorance of the applicant-claimant. His Advocate did not appear in the matter nor he communicated progress/development of the matter to the applicant-claimant. Eventually, claim of the applicant-claimant was not allowed and Award passed by the Special Land Acquisition Officer is made confirmed under the impugned Judgment and Award of learned Reference Court, dated 12-10-2018.

3. The learned AGP for respondent raised objections and submits that the delay has not been satisfactorily explained, therefore, the same cannot be condoned and prayed for rejection of application.

4. In view of reasons mentioned in the application and nature of the subject matter, I find it justifiable to extend the reasonable opportunity to the applicant-claimant to ventilate grievances before the Appellate Forum for redressal in the interest of justice. Definitely, it would subserve the purpose for substantial justice into the matter. 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, Civil Application deserves to be allowed.

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

6. On registration of appeal, issue notice to the respondent. Learned AGP waives service of notice for the respondent.

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

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

Sd./-

[K. K. SONAWANE]
JUDGE

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