

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

CIVIL APPLICATION NO.13366 OF 2019
IN FAST/32288/2019

THE EX. ENGINEER, JALGAON MEDIUM PROJECT JALGAON
VERSUS
SUBHASH BHILA CHAUDHARI AND ORS

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Advocate for Applicant : Mr. Ajay D. Pawar
Advocate for Respondent No.1-claimant : Mr. Vijay B. Patil
AGP for Respondents No.2 and 3 : Mr. R. B. Bagul

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WITH CA/13364/2019 IN FAST/32345/2019
WITH CA/13368/2019 IN FAST/32339/2019

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CORAM : K.K. SONAWANE, J.

DATED : 16th JANUARY, 2020.

ORDER :-

Mr. V. B. Patil, learned counsel submits that he has instructions to appear on behalf of respondent No.1 (original claimant) in the proceedings bearing CA/13364/2019 IN FAST/32345/2019. He also filed *vakalatnama* on record. Learned AGP waives service of notice for respondents No. 2 and 3.

2. Heard learned counsel for the applicant – Acquiring Body and learned counsel for respondent No.1 (original claimant) as well as learned AGP for respondents No.2 and 3. Perused the applications and other relevant documents produced on record.

3. The applicant No. 1 - Acquiring Body moved 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 counsel for the applicant-Acquiring Body, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. Applicant No. 1 is Body corporate having its independent entity. 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 applicant-Acquiring Body, delay so caused is not intentional or deliberate, but, caused due to compliance of official process.

4. The learned counsel for respondent No.1 (original claimant) submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

5. The learned AGP for respondents No.2 and 3 raised objections and submits that suitable orders may be passed.

6. I have given anxious consideration to the submissions on behalf of both learned counsel. Considering the nature of the subject-matter and reasons mentioned in the application, 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 an appeal 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 Civil 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 appeals. Civil applications stand disposed of accordingly.

7. On registration of appeals, issue notice to the respondents. Mr. V. B. Patil, learned counsel waives service of notice for respondent No.1-original claimant, whereas, learned AGP waives service of notice for respondents No.2 and 3.

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

9. After compliance of procedural formalities, list the first appeals for admission or with the consent of both sides for final hearing on merit in due course.

Sd./-

[K. K. SONAWANE]
JUDGE

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