

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

CIVIL APPLICATION NO.7101 OF 2019 IN FAST/34257/2018

THE EX. DIRECTOR AND EX. ENGINEER, LATUR MEDIUM PROJECT  
DIVISION AT LATUR UNDER THE GMIDC AURANGABAD  
VERSUS  
RAJU HARISHCHANDRA SIRSAT AND ANR

...  
Advocate for Applicants : Mr. Anand Chawre  
Respondent No.1-original claimant : Served.  
AGP for Respondent No.2 : Mr. R. B. Bagul

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

**DATED : 04<sup>th</sup> FEBRUARY, 2020.**

**ORDER :-**

Heard learned counsel for the applicant-Acquiring Body and learned AGP for respondent No.2. Despite service of notice, no one else appeared on behalf of respondent No.1-original claimant. Perused the application and other relevant documents produced on record.

2. The applicant - Acquiring Body moved present application for condonation of delay of 746 days caused in filing the first appeal against impugned Judgment and Award passed by the learned Joint Civil Judge, Senior Division, Latur, in Land Acquisition Reference No. 1168 of 2000, dated 16-07-2016, 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 learned Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. The 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 appeal. According to learned counsel for applicant-Acquiring Body, delay so caused is not intentional or deliberate, but, caused due to compliance of official process.

3. Learned AGP for respondent No. 2 submits that suitable orders may be passed.

4. As referred supra, despite service of notice, no one has caused appearance on behalf of respondent No.1 (original claimant), therefore, opportunity is not received for hearing to him. In view of the nature of subject matter, I proceed further to adjudicate the application for condonation of delay on merit in the interest of justice.

5. I have given anxious consideration to the submissions advanced on behalf of learned counsel for applicant-Acquiring Body. Considering the nature of subject-matter and reasons mentioned in the application, I do not find any impediment to allow the application 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 application for condonation of delay deserve to be allowed. In sequel, the Civil Application stands allowed in terms of prayer clause (B). Delay of 746 days caused in filing first appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. The Civil Application is disposed of, accordingly.

6. On registration of appeal, issue notice to the respondents, returnable on 17-03-2020. Learned AGP waives service of notice for respondent No. 2 – State of Maharashtra.

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

8. After compliance of procedural formalities, list the first appeal for admission on 17-03-2020.

Sd./-

**[ K. K. SONAWANE ]**  
**JUDGE**