

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

919 CIVIL APPLICATION NO.1114 OF 2018
IN FAST/36101/2017 WITH CA/1115/2018 IN FAST/36101/2017

THE STATE OF MAHARASHTRA AND ORS
VERSUS
PRADEEP GOVINDRAO KUKALE

...
AGP for Applicants : Mr. S.P. Deshmukh, Assistant Govt. Pleader

...

CORAM : K.K. SONAWANE, J.

DATED : 08th JANUARY, 2020.

ORDER :-

- 1] Heard learned AGP for the applicant.
- 2] Perused the application for condonation of delay for filing appeal against the impugned judgment and award passed by the learned Reference Court in LAR No. 5 of 2012. Despite service of notice, nobody appears for the respondent.
- 3] Learned AGP submits that the delay caused in filing the appeal is not deliberate and intentional but caused owing to administrative compliance. As such, he prayed to condone the delay.
- 4] Having given anxious consideration to the arguments advanced on behalf of learned AGP, I am of the considered opinion that reasonable opportunity needs to be given to the applicant State to ventilate its 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. The appellant is the State Government and in view of public interest, it is imperative to extend latitude while dealing with the

condonation of delay, by adopting liberal and pragmatic approach. If the appellant/State is not allowed to present an appeal, on the ground of such default of delay, no person is individually affected but, ultimately, the public interest would be at stake. 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 respondent. In contrast, it would sub-serve the interest of justice. Hence, the application for condonation of delay deserves to be allowed. In sequel, the application stands allowed in terms of prayer clause (B). Same is disposed of. Delay 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 returnable on 5th February, 2020.

[K. K. SONAWANE]
JUDGE

GRT/-