

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

**42 CIVIL APPLICATION NO.13448 OF 2019
IN FAST/35458/2019**

WITH CA/13449/2019 IN FAST/35458/2019

WITH CA/13453/2019 IN FAST/35454/2019

WITH CA/13454/2019 IN FAST/35454/2019

WITH CA/13455/2019 IN FAST/35450/2019

WITH CA/13456/2019 IN FAST/35450/2019

WITH CA/13457/2019 IN FAST/35446/2019

WITH CA/13458/2019 IN FAST/35446/2019

WITH CA/13459/2019 IN FAST/35462/2019

WITH CA/13460/2019 IN FAST/35462/2019

THE EX. DIRECTOR, TAPI PATBANDHARE VIKAS MAHAMANDAL
AND ANR
VERSUS

SHIVDAS DHANRAJ PATIL AND ORS

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Advocate for Applicants : Mr.Ajay D. Pawar
AGP for Respondents No.2 & 3 : Mr.S.P.Deshmukh

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CORAM : K.K.SONAWANE, J.

DATE: 13th January, 2020

PER COURT:-

1. Heard learned counsel for the applicant-Acquiring Body and learned AGP for respondents No.2 and 3. Perused the applications and relevant documents produced on record.

2. This Court issued notice to respondent No.1 in all these matters. Report of the service of notice to respondent No.1 indicates that respondent No.1 in all these matters were not found available at the village and notices were served on their brother Raghunath Dhanraj Patil, who is also one of the original claimants in Civil Application No.13451 of 2019. In the circumstances, there is no impediment to arrive at a conclusion that notice of the present application has already served to respondent No.1 in all these matters. Therefore, service is complete.

3. The applicant-Acquiring Body moved the 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 Reference 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 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. As referred above, respondent No.1-original claimant did not turn up to this Court even after service of notice. Therefore, no opportunity is received for hearing of the respondent No.1-claimant in these matters.

5. 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 an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondent.* 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 Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. Civil applications stand disposed of accordingly.

6. On registration of appeals, issue notice for admission of appeals to the respondents, returnable on 12.02.2020. Learned AGP waives service of notice for respondents No.2 and 3.

7. After compliance of procedural formalities, list the appeals alongwith stay petitions on 12.02.2020.

(K.K.SONAWANE)
JUDGE

SPT