

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

**937 CIVIL APPLICATION NO.1282 OF 2020
IN FAST/37882/2017
WITH FA/5206/2017**

PADMAKAR HARIBHAU MULE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicants : Mr.A.P.Bhandari h/f. Mr. Vitthal B. Wayal
AGP for Respondent No.1 : Mr.S.P.Deshmukh
Advocate for Respondent No.2 : Mr.Anil S. Bajaj

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

DATE: 6th February, 2020

PER COURT:-

1. Learned counsel for respondent No.2 has filed affidavit-in-reply. The same is taken on record.
2. Heard learned counsel for the applicants and learned AGP for respondent No.1 as well as learned counsel for respondent No.2.
3. Present application is preferred seeking condonation of 20 days delay caused in filing the First Appeal against the impugned Judgment and award passed by the learned Reference Court in LAR No.691 of 2005. Learned counsel for the applicants submitted that respondent No.2 - City and Industrial Development Corporation (CIDCO) has already preferred First Appeal No. 5206 of 2017 and the same is pending for final disposal on merit. It has been submitted that the applicants are also intending to agitate the findings of the learned Reference Court for granting meager compensation amount in favour of the applicants-claimants. Admittedly, there is delay of 20 days for

filing appeal. Respondent No.2 has already preferred appeal against the impugned Judgment and award passed by the learned Reference Court. In such circumstances, reasonable opportunity is also required to be given to the applicants to ventilate their grievance before the appropriate forum. In case the delay is not condoned, it would cause prejudice to the applicants and they will be deprived from getting reasonable market value for their acquired lands. In such circumstances, the liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach. Definitely, it would sub-serve the purpose in the interest of justice. Hence, the application deserves to be allowed for reasonable opportunity to the applicants-claimants for substantial justice into the matter.

4. Hence, the application stands allowed. The delay caused in filing appeal is condoned. Registry to take requisite steps for further process.

5. On registration of appeal, issue notice of admission of the appeal to the respondents. Learned AGP waives service of notice for respondent No.1, whereas Mr.A.S.Bajaj, learned counsel waives service of notice for respondent No.2.

6. It has been contended that the connected appeal filed by respondent No.2 CIDCO has already been kept for final hearing on merit. In such circumstances, present appeal also stands '**Admit**' and same be tagged with First Appeal No.5206 of 2017 for final hearing on merit simultaneously on 12.02.2020.

(**K.K.SONAWANE**)
JUDGE

SPT