

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

CIVIL APPLICATION NO.14135 OF 2019 IN FAST/35836/2019

THE M.K.V.D.C. THR THE EX. ENGINEER, IRRIGATION PROJECT
STRENGTHENING AND OTHERS
VERSUS
KALYAN MALLIKARJUN SWAMI

...
Advocate for Applicant No.1 : Mr. Anil M. Gaikwad
AGP for Applicants No.2 and 3 : Mr. M. A. Kulkarni
Advocate for Respondent-claimant : Mr. Laxmikant C. Patil

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WITH CA/14137/2019 IN FAST/36302/2019 WITH CA/14139/2019 IN FAST/36289/2019
WITH CA/14141/2019 IN FAST/36294/2019 WITH CA/14143/2019 IN FAST/36311/2019
WITH CA/14145/2019 IN FAST/36316/2019 WITH CA/14147/2019 IN FAST/36307/2019
WITH CA/14150/2019 IN FAST/36284/2019

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CORAM : K.K. SONAWANE, J.

DATED : 28th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant-Acquiring Body and learned counsel for respondent No.1 (original claimant) as well as learned AGP for applicants No.2 and 3 - State of Maharashtra and Special Land Acquisition Officer. Perused the applications and other relevant documents produced on record.

2. The applicant - Acquiring Body moved present applications for condonation of delay caused in filing the first appeals against impugned Judgment and Award passed by the learned 2nd Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference No. 1260, 1263, 1265, 1274, 1257, 1255, 1238 and 1283 of 2011, dated 02-05-2015, 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, 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.

3. Learned counsel for respondent/s-original claimant/s submits that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

4. Learned AGP for applicants No.2 and 3 submits that suitable orders may be passed.

5. I have given anxious consideration to the submissions on behalf of both learned counsel. Considering the nature of 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 matters. It is settled law that liberal and pragmatic approach is essential to be adopted by avoiding pedantic approach while dealing with the applications for consideration of delay. Therefore, it is imperative to grant some sort of latitude to the applicant- Acquiring Body to present appeals 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, Civil Applications stand allowed in terms of prayer clause (A). Delay caused in filing first appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeals. The Civil Applications are disposed of, accordingly.

6. On registration of appeals, issue notice to the respondent/s-original claimant/s. Mr. Laxmikant C. Patil, learned counsel waives service of notice for respondent/s-claimant/s.

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

8. After compliance of procedural formalities, list the first appeals for admission on 27th March, 2020.

Sd./-

[K. K. SONAWANE]
JUDGE