

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

**928 CIVIL APPLICATION NO.2582 OF 2018
IN FAST/38028/2017**

THE EX. ENGINEER, IRRIGATION PROJECT MAJBUTIKARAN DIV,
OMERGA AND ORS
VERSUS
SANGITA SHIVAJI BIRAJDAR

Advocate for Applicant No.1-Acquiring Body : Mr.J.R.Patil h/f.
Mr.Gulab B. Rajale

CORAM : K.K.SONAWANE, J.
DATE: 12th February, 2020

PER COURT:-

1. Heard learned counsel for the applicant No.1-Acquiring Body. Despite service of notice to the respondent-claimant, no one else appeared on her behalf. Perused the application and relevant documents produced on record.
2. Applicant No.1-Acquiring Body moved the present application for condonation of delay caused in filing the first appeal against the 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 No.1-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 No.1 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 No.1, delay so caused is not intentional or deliberate, but caused due to compliance of official process.
3. As referred above, the respondent-claimant did not turn up to this Court even after service of notice. Therefore, no opportunity is received for hearing of the respondent-claimant in this matter.

4. Considering the nature of the 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 No.1-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 application for condonation of delay deserves to be allowed. In sequel, the application stands allowed in terms of prayer clause (B). Delay caused in filing the appeal against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. Civil application stands disposed of accordingly.

5. On registration of appeal, issue notice of admission of appeal to the sole respondent.

6. After compliance of procedural formalities, list the appeal for further process in due course.

(K.K.SONAWANE)
JUDGE

SPT