

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

CIVIL APPLICATION NO.1086 OF 2018 IN FAST/38120/2017

WITH CA/1087/2018 IN FAST/38120/2017

WITH CA/1088/2018 IN FAST/38182/2017 WITH CA/1089/2018 IN FAST/38182/2017
WITH CA/1090/2018 IN FAST/38165/2017 WITH CA/1091/2018 IN FAST/38165/2017
WITH CA/1092/2018 IN FAST/38174/2017 WITH CA/1093/2018 IN FAST/38174/2017
WITH CA/1094/2018 IN FAST/38138/2017 WITH CA/1095/2018 IN FAST/38138/2017
WITH CA/1096/2018 IN FAST/38145/2017 WITH CA/1097/2018 IN FAST/38145/2017
WITH CA/1098/2018 IN FAST/38160/2017 WITH CA/1099/2018 IN FAST/38160/2017
WITH CA/1100/2018 IN FAST/38186/2017 WITH CA/1101/2018 IN FAST/38186/2017
WITH CA/1102/2018 IN FAST/38168/2017 WITH CA/1103/2018 IN FAST/38168/2017
WITH CA/1104/2018 IN FAST/38142/2017 WITH CA/1105/2018 IN FAST/38142/2017
WITH CA/1106/2018 IN FAST/38155/2017 WITH CA/1107/2018 IN FAST/38155/2017
WITH CA/1108/2018 IN FAST/38150/2017 WITH CA/1109/2018 IN FAST/38150/2017

THE STATE OF MAHARASHTRA AND ORS
VERSUS
SHRIKRISHNA MURLIDHAR CHATE

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AGP for Applicants : Mr. R. B. Bagul

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CORAM : K.K. SONAWANE, J.

DATED : 20th JANUARY, 2020.

ORDER :-

Heard learned AGP for the applicants. Despite service of notice, no one else appeared on behalf of respondents-claimants. Perused the applications and other relevant documents produced on record.

2. Learned AGP submits that due to official procedure to present an appeal, delay has been caused. He submits that delay is not deliberate and intentional but owing to administrative compliance. As such, he prayed to condone the delay.

3. The matters pertain to land acquisition proceedings. The learned Reference Court partly allowed the applications of the claimants filed under Section 18 of the Land Acquisition Act, 1894. The applicants are intending to agitate the findings recorded by the learned Reference Court on the issue of market value arrived at by the learned Reference Court, which according to State, is exorbitant.

4. I am of the considered opinion that reasonable opportunity needs to be given to the applicants State to ventilate its grievances in the appellate forum. 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, I do not find any impediment to grant some sort of latitude to the applicants State to present an appeal by condoning the delay. It would not cause any prejudice or injustice to the respondents-original claimants. In contrast, it would sub-serve the interest of justice. Hence, the applications for condonation of delay deserves to be allowed. In sequel, the applications for condonation of delay stand allowed in terms of prayer clause (B). Delay caused in filing appeals against the impugned Judgment and Award is hereby condoned. The Civil Applications for condonation of delay stand disposed of accordingly. Registry to take requisite steps for registration of appeals.

5. On registration of appeals, issue notice to the respondents, returnable on 24-02-2020.

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

7. Learned AGP is hereby directed to take instructions from the concerned Department about depositing the decretal amount as per order passed in the applications seeking relief of stay, dated 08-07-2019.

8. List the First Appeals for admission on 24-02-2020.

Sd./-

[K. K. SONAWANE]
JUDGE