

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

915 CIVIL APPLICATION NO.15266 OF 2019 IN FAST/38258/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
KISAN PARBAT KHARAT

...
AGP for Applicant No.1 State : Mr. S. P. Deshmukh
Advocate for Applicant No.2 : Mr. D. V. Soman
Advocate for Respondent-claimant : Mr. Dnyaneshwar A. Bide

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916 CIVIL APPLICATION NO.15268 OF 2019 IN FAST/38252/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
ARJUN KONDIBA JAIWAL

...
AGP for Applicant No.1 State : Mr. R. B. Bagul
Advocate for Applicant No.2 : Mr. D. V. Soman
Advocate for Respondent-claimant : Mr. Dnyaneshwar A. Bide

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917 CIVIL APPLICATION NO.15270 OF 2019 IN FAST/38242/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
FAKIRA NAMDEO JAIWAL

...
AGP for Applicant No.1 State : Mr. S. P. Deshmukh
Advocate for Applicant No.2 : Mr. D. V. Soman
Advocate for Respondent-claimant : Mr. Dnyaneshwar A. Bide

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918 CIVIL APPLICATION NO.15272 OF 2019 IN FAST/38248/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
UTTAM KONDIBA JAIWAL

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AGP for Applicant No.1 State : Mr. R. B. Bagul
Advocate for Applicant No.2 : Mr. D. V. Soman
Advocate for Respondent-claimant : Mr. Dnyaneshwar A. Bide

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919 CIVIL APPLICATION NO.15274 OF 2019 IN FAST/38261/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
CHABABAI GAJANAN JAIWAL

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AGP for Applicant No.1 State : Mr. S. P. Deshmukh
Advocate for Applicant No.2 : Mr. D. V. Soman
Advocate for Respondent-claimant : Mr. Dnyaneshwar A. Bide

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920 CIVIL APPLICATION NO.15277 OF 2019 IN FAST/38245/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
BHAGWAN ASHIK JAIWAL

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AGP for Applicant No.1 State : Mr. R. B. Bagul
Advocate for Applicant No.2 : Mr. D. V. Soman
Advocate for Respondent-claimant : Mr. Dnyaneshwar A. Bide

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921 CIVIL APPLICATION NO.15288 OF 2019 IN FAST/38239/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
VITTHAL NAMDEO JAIWAL

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AGP for Applicant No.1 State : Mr. S. P. Deshmukh
Advocate for Applicant No.2 : Mr. D. V. Soman
Advocate for Respondent-claimant : Mr. Dnyaneshwar A. Bide

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CORAM : K.K. SONAWANE, J.

DATED : 10th JANUARY, 2020.

ORDER :-

Perused applications and other relevant documents.

2. Issue notice to the respondents-original claimants. Mr. D. A. Bide, learned counsel submits that he has instructions to appear on behalf of respondents-claimants. Therefore, service complete.
3. Heard learned AGP for the applicants and learned counsel for respondents-claimants.
4. The applicants moved present applications for condonation of delay in filing first appeals against impugned Judgment and Award passed by the learned Reference Court in Land Acquisition References filed under section 18 of the Land Acquisition Act, 1894. According to learned counsel for the applicants, impugned Judgment and Award passed by the Reference Court is erroneous, illegal and is not as per the provisions of Land Acquisition Act, 1894. 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 applicants, delay so caused is not intentional or deliberate, but caused due to compliance of official process.

5. I have given anxious consideration to the submissions advanced by learned AGP. 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 civil applications for condonation of delay deserve to be allowed. In sequel, the civil applications stand allowed in terms of prayer clause (B). Delay caused in filing first appeals against the impugned Judgment and Award is hereby condoned. Registry to take requisite steps for registration of appeal. Civil applications stand disposed of accordingly.

6. On registration of appeal, issue notice to the respondents-original claimants. Mr. D. A. Bide, learned counsel waives service of notice for respondents-original claimants.

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 14-02-2020.

Sd./-

[K. K. SONAWANE]
JUDGE

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