

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

**922 CIVIL APPLICATION NO.1992 OF 2020
IN FAST/40926/2019
WITH CA/1993/2020 IN FAST/40926/2019**

G.M.I.D.C., AURANGABAD THR THE EX. ENGINEER, MINOR
IRRIGATION DIVISION, JALNA
VERSUS
KADUBAI DEVIDAS GAVAD AND ORS

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Advocate for Applicant : Mr. R.D. Biradar
AGP for Respondents No.2 and 3 : Mr. S.N. Morampalle
Advocate for Respondent-claimants : Mr. R.J. Nirmal

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**923 CIVIL APPLICATION NO. 1994 OF 2020
IN FAST/40940/2019
WITH CA/1995/2020 IN FAST/40940/2019**

G.M.I.D.C., AURANGABAD THR THE EX. ENGINEER, MINOR
IRRIGATION DIVISION, JALNA
VERSUS
AABAJI BAPURAO MADAN AND ORS

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Advocate for Applicant : Mr. R.D. Biradar
AGP for Respondents No.2 and 3 : Mr. P.M. Kulkarni
Advocate for Respondent-claimants : Mr. R.J. Nirmal

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**924 CIVIL APPLICATION NO.1996 OF 2020
IN FAST/40906/2019
WITH CA/1997/2020 IN FAST/40906/2019**

G.M.I.D.C., AURANGABAD THR THE EX. ENGINEER, MINOR
IRRIGATION DIVISION, JALNA
VERSUS
PARAJI VISHVANATH TUPE AND ORS

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Advocate for Applicant : Mr. R.D. Biradar
AGP for Respondents No.2 and 3 : Mr. P.M. Kulkarni
Advocate for Respondent-claimants : Mr. R.J. Nirmal

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CORAM : K.K. SONAWANE, J.

DATED : 18th FEBRUARY, 2020.

ORDER :-

1. Issue notice to respondents. Mr. Learned AGP waives service of notice on behalf of State authorities whereas Mr. Nirmal, learned counsel waives service of notice for respondents-original claimants.

2. Heard learned counsel for the applicant - Acquiring Body as well as learned AGP for respondents No. 2 and 3 and learned counsel for respondents - original claimants.

3. The applicant - Acquiring Body moved the present applications for condonation of delay in filing the 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 applicant-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 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, delay so caused is not intentional or deliberate, but caused due to compliance of official process.

4. The learned AGP for State Authorities and learned counsel for respondents-original claimants submit that there is inordinate delay, which has not been explained satisfactorily, therefore, the same cannot be condoned and prayed for rejection of applications.

5. I have given anxious consideration to the submission of both learned counsel. 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 applications for condonation of delay deserve to be allowed. In sequel, the applications stand allowed in terms of prayer clause (B). Delay caused in filing 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. Mr. Learned AGP waives service of notice on behalf of State authorities whereas Mr. Nirmal, learned counsel waives service of notice for respondents-original claimants.

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

8. List the appeals for admission on 31-03-2020.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK