

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

14 CIVIL APPLICATION NO.940 OF 2019
IN FAST/578/2019

THE EX. ENGINEER, CONSTRUCT DIVISION (NIRMAN) C.R. SOLAPUR
PROP. PARTY IS THE DY. CHIEF ENGINEER
VERSUS
GAWLANBAI CHANDRAKANT KURANE AND ORS

...
Advocate for Applicant : Shri Navandar Manish N.
Advocate for Respondent No. 1 : Shri Bhumkar R.P.
AGP for Respondent Nos 2 & 3 : Smt. V.N. Patil/Jadhav
...

CORAM : M. G. SEWLIKAR, J.

DATE : 08th FEBRUARY, 2021.

PER COURT :

1. Heard Shri Navandar, learned counsel for the applicant-acquiring body and Shri Bhumkar, learned counsel for respondent No. 1-claimant and Smt. V.N. Patil/Jadhav, learned counsel for respondent Nos. 2 and 3.
2. Delay is of 1431 days. According to applicant-acquiring body the delay was caused because of administrative formalities. He submitted that delay was not intentional nor deliberate. He therefore, prayed for condonation of delay.
3. Shri Bhumkar, learned counsel for respondent No. 1 objected for condonation of delay as no sufficient cause is made out.

4. The applicant-acquiring body has deposited the entire amount of compensation along with accrued interest thereon. Shri Bhumkar, learned counsel for respondent No. 1 does not dispute this fact.

5. The Hon'ble Supreme Court in the case of **Ningappa Thotappa Angadi Vs. Special Land Acquisition Officer and another decided on 13.12.2019 in Civil Appeal No. 9415 of 2019 arising out of Special Leave Petition (C) No. 11015 of 2017**, has held as under :-

"15. Equities can be balanced by denying the appellants' interest for the period for which they did not approach the Court. The substantive rights of the appellants should not be allowed to be defeated on technical grounds by taking hyper-technical view of self-imposed limitations. In the matter of compensation for land acquisition, we are of the view that approach of the Court has to be pragmatic and not pedantic."

6. Having regard to the law laid down by the Hon'ble Supreme Court matter cannot be dismissed solely on the ground of delay. At the most what will happen is that the matter will be heard on merits. In view of this, I am inclined to condone the delay. Hence application is allowed. Delay is condoned.

7. Civil Application is disposed of.

(M. G. SEWLIKAR)
JUDGE

mahajansb/