

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

**920 CIVIL APPLICATION NO.8304 OF 2019
IN FAST/1877/2019 WITH CA/8305/2019 IN FAST/1877/2019**

**MAHESH SHESHERAO SHELKE
VERSUS
JAYSHREE ANNARAO GARAD AND ANR**

Shri. S. B. Choudhari, Advocate for the applicant

CORAM : M. G. SEWLIKAR, J.

DATED : 09-02-2021

P.C. :-

. Heard Shri. Choudhari, learned counsel for the applicant.

2. Delay of 28 days is committed in preferring the appeal. It appears that the delay is committed because of the procedural formalities. Respondents did not cause appearance despite service of notice on them. The applicant has made out a sufficient cause for condonation of delay.

3. 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 2015, the Hon'ble Supreme Court has observed that matters cannot be dismissed on the ground of technicalities. It has been held in this decision of the Hon'ble Supreme court 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.

4. I am therefore inclined to condone the delay. Delay is therefore condoned. Civil Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp