

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

8 CIVIL APPLICATION NO.190 OF 2019  
IN FAST/6485/2018

EX. ENGINEER, PATBHANDHARE MAJBUTIKARAN DIV. OMERGA THR  
MKVDC, PUNE AND ORS  
VERSUS  
BHASKAR KASHIBA KADAM

...  
Advocate for Applicants : Shri Shelke Sunita Dasharat  
...

**CORAM : M.G.SEWLIKAR, J.**

**DATE : 8<sup>th</sup> FEBRUARY, 2021.**

**PER COURT :**

1. Heard Smt. Shelke, learned counsel for the applicants.
2. None appears for respondent, though duly served.
3. Delay is of 1037 days. Smt. Shelke, learned counsel for the applicants submitted that the delay was caused because of administrative procedure. The delay is not intentional.
4. In the application for condonation of delay it is alleged that because of administrative exigency and raising of funds the application could not be preferred within the prescribed period of limitation.
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 subject to depositing of the entire amount of compensation with accrued interest, till the date of depositing of the amount.

7. In view of this, delay is condoned subject to the applicant-State depositing the entire amount of compensation with accrued interest thereon till the date of depositing of entire amount within a period of twelve weeks failing which application shall stand dismissed.

8. Stand over to 3.5.2021.

**[ M.G.SEWLIKAR ]**  
**JUDGE**