

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

**CIVIL APPLICATION NO. 8334 OF 2018
IN FIRST APPEAL STAMP NO. 9256 OF 2018**

**THE GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORP.
AND ANOTHER
VERSUS
KISAN MAHADU CHAUDHARI AND ANOTHER**

...

Advocate for the Applicant: Shri A. M. Gaikwad
Advocate for the Co-Applicant – Shri S. B. Pulkundwar
Advocate for Respondent No.1 : Shri V. Y. Bhide

...

**CORAM : N. J. JAMADAR, J.
DATE : 09th MARCH, 2021**

...

PER COURT :

1. This is an application for condonation of 248 days delay in preferring the appeal against the judgment and award dated 02-01-2017 passed by the Reference Court in LAR No. 87 of 2011.
2. Learned counsel for respondent No. 1 submits that he has no objection to condone the delay.
3. It is trite that an application for condonation of delay should receive liberal consideration. The courts lean in favour of condonation of delay so as to advance the cause of substantive justice and facilitate the adjudication of the matter on merits rather than delay and laches. Having regard to the impersonal nature of the applicants some allowance is required to be given for the time consumed in initiating the steps to obtain the necessary approvals and make

arrangement for filing the appeal. Ultimately, public interest may suffer if the applicants are not allowed to seek adjudication on merits.

4. An useful reference in this context can be made to the pronouncements of the Supreme Court in the cases of *Collector, Land Acquisition, Anantnag and another Vs. Mst. Katiji and others – (1987) 2 Supreme Court Cases 107* and *N. Balakrishnan Vs. M. Krishnamurthy- (1998) 7 Supreme Court Cases 123*, wherein the approach to be adopted was delineated and the principles which ought to govern the exercise of discretion were expounded.

5. On the aforesaid touchstone, having regard to the impersonal nature of the applicants, the reasons assigned in the application and to advance the cause of substantive justice, the delay deserves to be condoned.

6. Hence, the following order :-

(a) The application stands allowed in terms of prayer clause "A".

The delay is condoned.

(b) Appeal be registered.

7. Application stands disposed of.

(N. J. JAMADAR, J.)

shp/-