

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

942 CIVIL APPLICATION NO. 5765 OF 2018
IN FIRST APPEAL (STAMP) NO. 9270 OF 2018

EX. ENGINEER URDHVA PRAVARA PROJECT DAM DIVISION,
GHULEWADI IRRIGATION COLONY, SANGAMNER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Shri V. C. Solshe
AGP for Respondent-State : Shri S. B. Pulkundwar
Advocate for Respondent Nos.2, 3, 5 and 6 : Shri V. Y. Bhide

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CORAM : N. J. JAMADAR, J.

DATE : 09th MARCH, 2021

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PER COURT :

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. 89 of 2011.

2. Learned AGP and learned counsel for respondents submit that the respondents have 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 latches. Having regard to the impersonal nature of the applicant 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 applicant is 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 applicant, the reasons assigned in the application and to advance the cause of substantive justice, the delay deserves to be condoned.

Hence, the following order :-

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

The delay is condoned.

(b) Appeal be registered.

6. Application stands disposed of.

(N. J. JAMADAR, J.)

shp/-