

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

4 CIVIL APPLICATION NO.7226 OF 2017
IN FAST/11388/2017

THE STATE OF MAHARASHTRA AND ANR
VERSUS
PANDHARINATH MAROTI WAKALE

...
AGP for Applicants : Shri M.M. Nerlikar
Advocate for Respondent Nos. 1a to 1e : Shri Gopal D. Kale
...

**CORAM : M.G.SEWLIKAR, J.
DATE : 8th FEBRUARY, 2021.**

PER COURT :

1. Heard Shri Nerlikar, learned AGP for the applicants-State and Shri Kale, learned counsel for the respondent Nos. 1a to 1e.
2. Delay is of 1003 days. It is alleged that the delay is caused because of the administrative procedure. The delay is not intentional.
3. Learned counsel Shri Kale, for the respondent Nos. 1a to 1e objected for the condonation of delay on the ground that there was total negligence on the part of the respondent-State. He further stated that if the Court comes to the conclusion that the delay deserves to be condoned it should be condoned subject to depositing of the entire amount of compensation including accrued interest.
4. 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."

5. 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 entire amount with accrued interest, till the date of depositing of the amount.

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

7. Stand over to 3.5.2021.

[M.G.SEWLIKAR]
JUDGE