

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

**916 CIVIL APPLICATION NO.7790 OF 2019
IN FAST/15661/2019**

**REGIONAL MANAGER, M.I.D.C., JALGAON
VERSUS
HARI CHINDHU BARHATE (DEAD) THR LTS JANARDAN AND ORS**

Shri. S. S. Dande, Advocate for the applicant
Shri. M. M. Nerlikar, AGP for the respondents/State
Shri. A. P. Ghule Patil, Advocate for respondent Nos. 1 to 8C (Absent)

CORAM : M. G. SEWLIKAR, J.

DATED : 09-02-2021

P.C. :-

. Learned counsel Shri. Dande for the applicant states that as per the directions of this Court the entire amount has been deposited in the first appeal. Learned counsel Shri. Ghule Patil for respondent Nos. 1 to 8C is absent when the matter was called out.

2. Shri. Dande, learned counsel submits that the delay was caused because of procedural formalities. For getting necessary approval and for obtaining financial approval delay is committed in preferring the appeal.

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. Appeal be registered if it is fit for registration. Civil Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp