

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

**914 CIVIL APPLICATION NO.7752 OF 2019
IN FAST/18969/2019**

**THE EX. ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD AND ANR
VERSUS
PANDHARI JAYWANTA DALVE (DIED) THR LRS DYANOBA AND ORS**

Shri. R. C. Patil, Advocate for the applicants
Shri. A. N. Nagargoje, Advocate for respondent Nos. 1 to 4 (Absent)

CORAM : M. G. SEWLIKAR, J.

DATED : 09-02-2021

P.C. :-

. Heard learned counsel Shri. Patil for the applicants. Learned counsel for respondents is absent when the matter was called out.

2. Delay of 2635 days is committed in preferring the appeal. Learned counsel Shri. Patil states that he has deposited the entire amount of compensation with accrued interest thereon in this Court. The delay seems to have been caused because of the procedural formalities.

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. In view of this delay is condoned. Appeal be registered if it is fit for registration. Civil Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp