

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

**935 CIVIL APPLICATION NO.9812 OF 2017 IN FAST/23443/2017
WITH FAST/23410/2017**

**THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
NAVNATH RAMRAO WALSE AND OTHERS**

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**AGP for the Applicants : Shri A. A. Jagatkar
Advocate for Respondents No. 1 to 5 : Shri V. G. Sakolkar and
Shri H. B. Nandagavale**

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CORAM : N. J. JAMADAR, J.

DATE : 11th MARCH, 2021

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PER COURT :

This is an application for condonation of delay of 1037 days in filing appeal against judgment and award passed by the learned District Judge-3 Latur, dated 11th June 2014 in LAR No. 09/2009.

2. The applicants assert that on account of delay in obtaining the sanction for filing the appeal, there was delay in preferring the appeal. If the delay is not condoned, the applicants would suffer serious prejudice.

3. It is pertinent to note that the appellants have deposited the entire amount of compensation alongwith the interest accrued

thereon as per order of this Court dated 28th July 2017.

4. The learned counsel for the respondents – claimants fairly states that the respondents have also withdrawn the amount of compensation deposited by the appellants. There is no serious objection to condone the delay.

5. 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 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.

6. 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.

7. 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.

Hence the following order :

- (a) The application stands allowed in terms of prayer clause "B"
- (b) Delay in preferring the appeal stands condoned.
- (c) Appeal be registered.

8. Application stands disposed of.

(N. J. JAMADAR, J.)

shp/-