

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

**1 CIVIL APPLICATION NO.10658 OF 2019
IN FAST/24476/2019**

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ANOTHER
VERSUS
SURESH MANOHAR JOSHI

...
WITH CA/10650/2019 IN FAST/24404/2019
WITH CA/10655/2019 IN FAST/24472/2019
WITH CA/10661/2019 IN FAST/24469/2019

...
AGP for Applicant-State : Mr.S.S.Dande
Advocate for Respondents : Mr.Dnyaneshwar A. Bide

...
CORAM : M.G.SEWLIKAR, J.

DATE: 1st April, 2021

PER COURT:-

1. Heard Mr.S.S.Dande, learned AGP for the applicant-State and Mr.D.A.Bide, learned counsel for the respondents-claimants.
2. The cause assigned for delay is completion of procedural formalities. Delay is explained in paragraph No.3 of Civil Application No.10658 of 2019. It is alleged that since the enhancement granted was slightly above four times of enhancement awarded by the Special Land Acquisition Officer, the proposal was sent back by the Government. Again the proposal was forwarded to the Government in which time was consumed owing to which delay has occurred. Delay is of 3410

days. The applicant-State has deposited the entire amount of compensation.

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 limitation. In the matter of compensation for land acquisition, we are of the view that approach of this Court has to be pragmatic and not pedantic.

4. In view of the above, delay deserves to be condoned. It is always desirable to have decision on merits rather than deciding the matters on technicalities. In this view of the matter applications are allowed. Delay is condoned. Appeals be registered, if they are otherwise fit for registration.

(M.G.SEWLIKAR)

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CA 10658 OF 2019 & ORS

SPT

JUDGE