

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 9814 OF 2017
IN FAST/30339/2016

THE EXECUTIVE ENGINEER MEDIUM PROJECT OSMANABAD AND ANR
VERSUS
TULSHIRAM DHONDIRAM LONDHE DIED HIS LRS BAKRABAI TULSHIRAM
LONDHE DELETED SANJUBAI AND ORS

Mr. R. C. Patil, Advocate for the applicants
Mr. A. N. Nagargoje, Advocate for Respondent Nos. 1-B to G.
Mr. S. J. Salgare, AGP for the respondent/State

CORAM : M. G. SEWLIKAR, J.

DATED : 06-01-2021

P.C. :-

. Learned counsel Shri. Nagargoje for respondent Nos. 1-B to G and Shri. Salgare, learned AGP for respondent/State waives service of notice.

2. Shri. Nagargoje, learned counsel has objection for condonation of delay. Having regard to reasons given in the application, I am inclined to condone delay. In the case of **Ningappa Thotappa Angadi Vs. The Spl. Land Acquisition Officer and others**, decided on 13/12/2019 in Civil Appeal No. 9415 of 2019 (Arising out of Special Leave Petition(C) No. 11015 OF 2017), the Hon'ble Supreme Court has held as under:-

8. We find that the issue raised in this appeal is no longer res-integra. This Court in Dhiraj Singh (Dead) through LRs. and Others Vs. State of Haryana and Others held that:

14. The appellants are identically situated and there is no reason to meet out a different treatment to them. We also note that, while in these cases, the High Court had refused to condone the delay and dismissed the LPAs of the appellants, other LPAs were allowed by the High Court itself by condoning the delay of the same magnitude in the same

circumstances.

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 hypertechnical 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.

[Emphasis applied]

3. In this case delay is of 645 days. Having regard to this I am inclined to condone the delay as the applicant has deposited Rs. 76 lakhs.

4. The civil application is disposed of.

[M. G. SEWLIKAR, J.]

ssp