

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

957 CIVIL APPLICATION NO. 3145 OF 2021
IN FIRST APPEAL (STAMP) 37161 OF 2019

THE G.M.I.D.C., THE ITS EX. ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD AND OTHERS
VERSUS
HARIDAS MAHADA KAWADE

...

AND

957 CIVIL APPLICATION NO. 3149 OF 2021
IN FIRST APPEAL (STAMP) 37158 OF 2019

THE G.M.I.D.C., THE ITS EX. ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD AND OTHERS
VERSUS
BHANUDAS MAHADA KAWADE

...

AND

957 CIVIL APPLICATION NO. 3151 OF 2021
IN FIRST APPEAL (STAMP) 37155 OF 2019

THE G.M.I.D.C., THE ITS EX. ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD AND OTHERS
VERSUS
GAMPU MAHADA KAWADE AND OTHERS

...

AND

957 CIVIL APPLICATION NO. 3155 OF 2021
IN FIRST APPEAL (STAMP) 37166 OF 2019

THE G.M.I.D.C., THE ITS EX. ENGINEER, MINOR IRRIGATION
DIVISION, OSMANABAD AND OTHERS
VERSUS
KISAN MAHADA KAWADE AND OTHERS

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Advocate for Applicant : Shri R. B. Gaikwad
AGP for Co-Applicant : Shri S. B. Pulkundwar
Advocate for Respondent/s : Shri N. R. Thorat h/f.
Shri R. K. Shingnapure

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CORAM : N. J. JAMADAR, J.

DATE : 11th MARCH, 2021

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PER COURT :

These are applications for condonation of 730 days delay in preferring the appeals against the judgment and award passed by the learned Civil Judge, Senior Division Bhoom, in L.A.R. Nos. 654/2014, 676/2014, 890/2014, 677/2014, dated 28/08/2017.

2. The applicants – appellants aver that there was delay in preferring the appeals on account of obtaining the necessary approvals from the concerned authorities and in making arrangements to file the appeal.

3. The learned counsel for the respondent/s – original claimant/s submits that they have no objection to condone the delay.

4. It is trite that applications 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.

5. 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.

6. 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 applications stand allowed.
- (b) The delay of 730 days caused in preferring the appeals stands condoned.
- (c) The Appeals be registered.

7. The applications stand disposed of.

(N. J. JAMADAR, J.)

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