

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

18 CIVIL APPLICATION NO.2574 OF 2019
IN FAST/38953/2018

THE STATE OF MAHARASHTRA AND ANR
VERSUS
VISHNU NARAYAN BIRAJDAR (DIED) THR LRS RUKMINI AND ORS

...
AGP for Applicants : Shri M.M. Nerlikar
Advocate for Respondent Nos. 2 to 4: Shri Patil Laxmikant C. (Absent)
...

CORAM : M. G. SEWLIKAR, J.

DATE : 08th FEBRUARY, 2021.

PER COURT :

1. Heard Shri Nerlikar, learned AGP for the applicants-State.
2. None appears for respondent Nos. 2 to 4.
3. Shri Nerlikar, learned AGP for applicants-State submits that in accordance with the directions of this Court dated 18.02.2019, the applicants have deposited the entire amount of compensation with accrued interest thereon. He further submits that the delay was caused in preferring the appeal because of administrative formalities. In para No. 4 of the application the cause for delay is assigned. The delay is not intentional nor deliberate. He therefore, prayed for condonation of delay.

4. The Hon'ble Supreme Court 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 2017**, has held 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."

5. Having regard to the law laid down by the Hon'ble Supreme Court, the matter cannot be dismissed solely on the ground of delay. At the most what will happen is that the matter will be heard on merits. In view of this, I am inclined to condone the delay. Hence application is allowed.

6. Shri Nerlikar, learned AGP for the applicant-State made submission at Bar on instructions, that the entire amount of compensation with accrued interest has been deposited.

7. In view of this the delay is condoned.

8. Civil Application is disposed of.

9. Appeal be registered if it is fit for registration.

(M. G. SEWLIKAR)
JUDGE

mahajansb/