

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

**924 CIVIL APPLICATION NO.2989 OF 2010
IN FAST/1547/2010 WITH CA/2983/2010 IN FAST/1249/2010
WITH CA/2985/2010 IN FAST/1544/2010 WITH CA/2987/2010 IN
FAST/1502/2010**

THE EXE ENGINEER LOWER DUDHANA PROJECT DIVISION
VERSUS
LAXMAN NIVRUTTI LATE AND ORS

...
Advocate for Applicant : Ms. Shrutika Deshpande h/f Mr. Chawre
Anand
AGP for Respondents : Mrs. D.S. Jape
...

CORAM : S.G. MEHARE, J.

DATED : 07th JUNE, 2022.

PER COURT:-

1. Heard learned counsel for the applicant and learned AGP for respondents nos.2 and 3. Respondent no.1 entered his appearance through Advocate Navandar, but he did not appear.
2. Learned counsel for the applicant would submit that delay of 445, 446 and 447 days is caused in preferring the respective appeals. However, the delay is not deliberate. The situation was beyond the control of the appellant. The time is spent in obtaining the opinion from the legal section of the headquarters at Aurangabad.
3. After having gone through the impugned judgment and award, the appellant felt that there were good grounds to prefer the appeal as advised by the panel counsel. The reasons mentioned in the

applications appear sufficient and proper. If the delay is condoned, no harm shall be caused to the other side. Otherwise also, the Hon'ble Apex Court, in the case of *Dhiraj Singh (Dead) Through Legal Representatives and Others Vs. State of Haryana and Others, (2014) 14 SCC 127* has taken the view that the Court should take the liberal and pragmatic approach in the land acquisition matters involving the monetary stake. This Court finds that this is a fit case for condonation of delay. Hence, the following order :

ORDER

- I) The applications are allowed.
- II) The delay caused in preferring the appeals is condoned.
- III) No order as to costs.
- IV) In appeals, issue notices to the respondents. Learned AGP waives service of notice for respondents nos.2 and 3. Learned counsel Shri Navander waives service of notice for respondent no.1.
- V) Call record and proceedings.
- VI) Stand over after eight weeks.

(S.G. MEHARE, J.)