

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3727 OF 2019
IN
FIRST APPEAL (ST) NO. 19903 OF 2019**

The State of Maharashtra
(through Special land Acquisition
Officer)

..Appellant

v/s.

Shri Vasant Ganpat Patil

..Respondent

Ms. Tanaya Goswami, AGP for the Appellant.
Mr. G.H.Keluskar for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 21st JUNE, 2022.**

P.C.

1. By this application the Applicant has sought to condone the delay of one year and 157 days in challenging the judgment and Award dated 20.09.2017 in LAR 417 of 2000 (Old LAR No.5 of 1990), passed by the Civil Judge, Senior Division, Alibag.

2. By the impugned judgment and Award, the Reference Court has partly allowed the reference and awarded enhanced compensation of Rs.91,39,183/- with interest and other statutory benefits.

3. Heard learned AGP for the State and the learned Counsel for the Respondent. I have perused the records and considered the submissions

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advanced by the learned Counsel for the respective parties.

4. Delay is sought to be condoned mainly on the ground that though the order was passed on 20.09.2017, certified copy was obtained on 27.12.2018, there is delay on the part of the Office of District Collector, Raigad, (Land Acquisition) in completing the procedure for filing appeal.

5. The delay, though inordinate, needs to be condoned especially considering the financial implication involved. It is well settled that in exercising discretion under Section 5 of the Limitation Act, the Court should adopt a pragmatic and not pedantic approach. In ***Collector, Land Acquisition Anantnag & Anr. vs. Mst. Katiji & Ors. AIR 1987 SC 1353***, the Honourable Supreme Court while laying down certain principles for condonation of delay has observed that refusing to condone delay can result in meritorious matter being thrown out at a very threshold and cause of justice being defeated. Similarly, in *S. Ganesh Raju (Dead) through L.R. & Anr. vs. Narisamma (Dead) through LR & Ors. (2013)11SCC 341*, the Hon'ble Supreme Court has held that expression 'sufficient cause' has to be given a liberal construction as to advance substantial justice and unless the respondents are able to show malafides in not approaching the Court within the prescribed period of limitation, generally as a normal rule, delay should be condoned.

6. The delay appears to be bonafide. Prejudice, if any, can be compensated by imposing costs. Hence, application is allowed subject to payment of costs of Rs.5000/- , to be paid to the Respondent.

(ANUJA PRABHUDESSAI, J.)