

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

**CIVIL APPLICATION NO.1901 OF 2019
IN
FIRST APPEAL (STAMP) NO.16573 OF 2018**

Tukaram Sakharam Madgude (Since deceased)
Through L.Rs.
Banabai Tukaram Maduge and Anr. ... Applicants
Versus
The Land Acquisition Officer No.3 and Ors. ... Respondents

.....
Mr. Dhruvit Shah a/w Amrita Kharkar i/b Pallavi Potnis, for the
Applicants.
Ms. Tanaya Goswami, AGP, for the Respondent Nos. 1 and 3.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 7th JUNE, 2023.

P.C.

This is an application seeking condonation of delay of 10 years and 30 days in preferring the First Appeal, challenging the impugned Judgment and Award passed by the Reference Court.

2 Learned Counsel for the applicants has invited my attention that even the acquiring body has challenged the impugned judgment and award and therefore, the applicants can very well file cross

objections. He invited my attention to an order passed by this Court on 21st April, 2022 in Civil Application No. 3703 of 2019 in First Appeal (Stamp) No. 16579 of 2018. In the said order passed by the single Judge, the respondents have preferred the First Appeal No.365 of 2010 against the impugned judgment and award. In the said order dated 28th April, 2011 in para 2, this Court has observed thus;

“2. The acquiring body has preferred an Appeal against the same impugned Judgment and Award which has been admitted. Hence, applicant can always file Cross Objections in the said Appeal. In the circumstances, sufficient cause is made out. Delay is condoned.”

3 Similarly, this Court had noted in an order dated 16th January, 2020 passed in Civil Application No. 3154 of 2019 in First Appeal (Stamp) No. 20920 of 2018. Paragraph Nos. 2 and 3 of the said order are extracted below;

“2. This is an application for condonation of delay in preferring the appeal. On perusing the papers, it is noticed that there is delay of around 10 years and some days. However, it is pointed out by the learned counsel for the applicant that respondents i.e. State of Maharashtra has

preferred an appeal against the impugned judgment and award passed by the reference court bearing First Appeal No. 1892 of 2009 and the said appeal has been admitted.

3. Certainly, the delay though appears to be considerable, the same needs to be condoned in view of fact that the appeal filed by the State has already been admitted. In view of this, delay in filing the present appeal is hereby condoned. Civil Application is allowed.”

4 Having considered the consistent view taken by this Court, even if the delay appears to be inordinate, it needs to be condoned and as such, it stands condoned as prayed for.

5 Application is disposed of.

6 Registry is directed to register the Appeal.

[PRITHVIRAJ K. CHAVAN, J.]