

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAO) NO.278 OF 2022
IN
MISC. CIVIL APPLICATION STAMP NO.15062 OF 2021
IN
CROSS-OBJECTION STAMP NO.14243 OF 2017
IN
FIRST APPEAL NO.702 OF 2017

Sudhir Nagorao Ajmire

Vs.

The State of Maharashtra, Through the Collector, Yavatmal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. B. Nakshane, Advocate for cross-objector/applicant.
Ms. T. Udeshi, AGP for respondent Nos. 1 and 2.
Mr. M. A. Kadu, Advocate for respondent Nos.3 and 4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/02/2023

1. By this application, cross-objector is seeking delay of 945 days in filing revision against Registrar's order dated 05.09.2017.

2. As per the contention of the applicant/cross-objector, initially his cross-objection was pending for deficit Court Fee which was deposited by him in the month of May 2018. Subsequently, the learned counsel for the cross-objector inadvertently has not marked the matter in the cause list and the matter was dismissed by the Registrar for non-removing the office objection. The delay of 945 days has been caused for filing revision application. The cross-objector has filed this cross-

objection for enhancement of the compensation as an inadequate amount of compensation was granted to him. He has a good case on merits and other villagers whose land was acquired by the same notifications have already filed an appeal which is admitted. If the delay is not condoned, the cross-objector would lose his valuable rights of filing the appeal/cross-objection. He be permitted to litigate his cause on merits.

3. The said application is strongly opposed by learned Advocate Mr. Kadu for respondent Nos.3 and 4 and Ms. T. Udeshi, learned AGP for respondent Nos.1 and 2, on the ground that reasons mentioned in the application are not just and delay is not properly explained.

4. Heard learned Advocate Mr. Nakshane for the cross-objector/applicant. He submitted that initially when the cross-objection was pending before the Registrar for office objection, inadvertently, he has not marked the office objection and said office objections are not removed, therefore Registrar has dismissed the appeal. Subsequently, he noticed the order of dismissal of the registration but 945 days delay is caused in filing the revision application. The cross-objector be permitted to litigate his cause on merits. The delay is not an intentional one and hence delay be condoned.

5. On the other hand, learned Advocate Mr. Kadu for the respondent Nos.3 and 4 and learned AGP Ms. T. Udeshi for respondent Nos.1 and 2,

submitted that delay is not explained properly.

6. Heard. Perused the application.

7. It is apparent that as the learned counsel has not marked the objections raised in the cross-objection, cross-objection was rejected and delay of 945 days is caused. It is well settled that litigants be permitted to litigate their cause on merits. While considering the delay application, a liberal and pragmatic approach is to be taken and not the pedantic approach.

8. In view of reasons mentioned in the application, delay is condoned, subject to the cost of Rs.3,000/- to be deposited with the High Court Bar Library, Nagpur. The applicant is not entitled for the interest, if the cross-objection is allowed for the delayed period.

9. Civil Application is disposed of.

MISC. CIVIL APPLICATION STAMP NO.15062 OF 2021

1. In view of the reasons mentioned in the application, on removal of the objections in cross-objection, the cross-objection be restored at its original stage i.e. registration stage.

2. Misc. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)