



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 CIVIL APPLICATION NO. 2771 OF 2024
IN FAST/4459/2024

THE CITY AND INDUSTRIAL DEVELOPMENT CORPORATION
AURANGABAD THROUGH ITS ADMINISTRATOR

VERSUS

RAOJI S/O DHONDIBA PANSARE AND ANR

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Mr. S. V. Deshmukh, Advocate for Applicant

Mr. S. S. Dande, AGP for Respondents-State

Mr. P. K. Nikam, Advocate for Respondent No.1

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 19th SEPTEMBER 2025

PER COURT :-

1. This is an application seeking condonation of delay for 289 days caused in filing the present First Appeal.

2. Its apparent that the delay caused in filing present appeal is a big enough requiring the Court to apply judicious mind cautiously to use the discretion to condone the delay. The parameters to use such discretion are set by various verdicts of the Honorable Supreme Court as also by this Court in various cases.

3. A profitable reference can be made to the Judgment & Order passed by the Honorable Supreme Court in the case of **Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors.** [Civil

Appeal No.5867 of 2015 dtd.09-10-2023]. Honorable Supreme Court was dealing with an Appeal wherein High Court's order condoning delay of 479 days caused in filing a First Appeal by the Government against a Judgment & Award passed in Land Acquisition Reference was under challenge.

4. Considering the overall law prevailing in the field of 'condonation of delay in appeals filed by the Government bodies and Authorities', the Honorable Supreme Court approved the view adopted by the High Court to condone the delay.

5. In the present case firstly, the object in challenging the impugned Judgment & Award is averred not only to save the public funds, but to object unjust and irrational consideration rendered by the Ld. Trial Court excepting the concept of 'Just & Fair Compensation'. Secondly, if the appeal is heard on its own merit it would lead to substantial justice. For the delayed period, the charge of interest on the award amount is also running. As such the interest of the claimants is protected enough. Rather if the delay is not condoned, it would result into miscarriage of justice. In the present case, the applicant has deposited entire payable award amount together with accrued interest thereon. Thirdly, the applicant has sufficiently and properly explained the delay although not day-to-day. In my considered opinion, present case is squarely covered by the law laid down in "**Sheo Raj case**" (Supra)

wherein its held that, length of delay is not decisive in such cases where delay is properly explained.

6. For the reasons stated above, I am of the pragmatic view that by using the judicial discretion, delay in filing present First Appeal deserves to be condoned. Hence I pass following order.

- a. Delay of 289 days, caused in filing First Appeal is hereby condoned.
- b. Civil Application stands allowed.
- c. Registry to register the First Appeal, subject to removal of office objections, if any, by the applicant within four weeks from today.
- d. Civil Application stands disposed of.

7. After registration of the First Appeal, issue notice to the respondents. Mr. Dande, learned AGP waives service of notice for respondent no.2/State. Mr. Nikam, learned counsel waives service of notice for respondent No.1.

8. Call Record and Proceeding.

9. Paper book is dispensed with.

[AJIT B. KADETHANKAR, J.]