

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

CIVIL APPLICATION NO.3542 OF 2015 IN
FIRST APPEAL ST.NO.605 OF 2014
(R.C.NO.684 OF 2014)

Dagadu Maruti Awadhud

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr P.B. Rakhunde, Advocate for applicant

Mr R.P. Phatke, A.G.P. for respondent - State

CORAM : N.W. SAMBRE, J.

DATE : 20th March 2015

PER COURT

1. This is an application for condonation of delay of 10704 days caused in preferring the present first appeal against the award passed by the Reference Court.
2. Perusal of the civil application reflects that the cause for the delay mentioned in the application is, inadequate compensation paid to the claimant/appellant and since he was at Bombay, it was difficult for him to come to the village and collect documents and file the appeal before this Court.
3. In support of the cause for delay, learned counsel for the applicant has placed reliance upon the order of this Court dated 12th May 2005 passed in Civil Application No.1239 of 2014. According to him, in paragraph 3 of the said order, the Court has condoned the delay of 2357 days.

4. In addition to above, he would urge that this Court is required to take a liberal approach while considering the cause for condonation of delay. In support thereof, he has placed reliance upon the judgment of the Supreme Court in the matter of **Collector, Land Acquisition, Anantnag and anr. Vs. Mst.Katiji and ors.**, reported in **AIR 1987 SC 1353**.

5. Perusal of the reasons cited in the application, in my opinion, those reasons does not constitute sufficient cause for the purpose of condoning the delay of 10704 days in preferring the present appeal. The reliance placed by learned Counsel for the applicant on the judgment of this Court cited supra, particularly, paragraph 3 which reads thus;

“3. In the Civil Application No.1239 of 2014, there is delay of 2357 days and in the Civil Application No.1397 of 2014, there is delay of 2370 days in filing the appeal. In the meantime, present applicants have prosecuted the review applications at Exhibit No.A-1 (in C.A.No.1239/2014) and at Exhibit No.B (in C.A. No.1397/2014) before the trial Court and same were allowed on 10/03/2010. Therefore, that is one of the cause for more delay.”

The Court while ordering condonation of delay, was alive to the fact as regards the applicants therein, having prosecuted a review application before the trial Court which was allowed on 10th March 2010. In the case in hand, that does not appear to be the position. As such, the cause for delay of 10704 days which is not sufficiently explained, cannot be accepted.

6. Prayer made by learned counsel for the applicant that the applicant/appellant is ready and willing to pay the costs, if the delay is condoned, is also required to be rejected, as even if by saddling the costs, the cause for delay is absent in the application.

7. In view thereof, the present application lacs merits, stands rejected.

(N.W. SAMBRE, J.)

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