

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

942 CIVIL APPLICATION NO. 1002 OF 2014 IN RC/1001/2013

KALAVATIBAI MADHAVRAO DINDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicant : Mr. Kamble Dinkar G.

AGP for Respondents State: Mr. S. P. Sonpawale

CORAM : A. M. BADAR, J.

DATE : 4th December, 2015

PER COURT :

1. This is an application for condonation of delay in filing an Appeal under section 54 of the Land Acquisition Act. Application is at the instance of original claimant.

2. Heard learned counsel appearing for applicants. In his submission, the appeals challenging judgment and awards in sister cases are admitted for final hearing. Learned counsel further submits that he will not claim statutory benefit in respect of delay period. As against this, learned AGP appearing for non-applicants opposes the application by submitting that delay is not at all explained and there is no sufficient cause to condone the same.

3. Delay occasioned is of 12064 days. Impugned judgment and award sought to be challenged is dated

28.01.1980. Perusing of the application shows that reasons put forth for condonation of delay is weak financial condition of applicant and her rendering landless because of acquisition of the land.

4. Delay occasioned in filing an appeal can be condoned only if sufficient cause is shown. Such sufficient cause has to be for the reasons beyond control of the applicant claiming condonation. In the case in hand, it cannot be said that applicant was not having financial resources for filing appeal within limit. She was in receipt of compensation awarded by the Land Acquisition Officer. Moreover, even the Reference Court has enhanced the compensation in the Reference filed by applicant. Therefore, it cannot be said that because case of her poor financial condition and as the applicant has become landless, delay so occasioned is bonafide.

5. As the delay is inordinate and not at all explained much less sufficiently, the application is devoid of merit. The submission of waiver of statutory benefit is of no assistance for condonation of such inordinate and unexplainable delay. As such, the application is rejected. No order as to costs.

(A. M. BADAR, J.)

JPC