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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.2642 OF 2015
IN
FIRST APPEAL (ST) NO.12365 OF 2014**

The State of Maharashtra ..Applicant.

V/s.

Mahadeo Sakharam Thakur ..Respondent.

Mr.A.R. Patil, AGP for the applicant.

Mr.Anand Kulkarni i/b. Sachin Suryakant Punde for respondent.

**CORAM : A.S.OKA AND
V.L.ACHLIYA, JJ.**

DATED : 26TH OCTOBER, 2015

P.C. :-

1. Heard the learned AGP for the applicant and the learned counsel for the respondent. There is a delay of 1 year and 343 days in preferring an appeal against the judgment and award passed by the trial Court in a reference under section 18 of the Land Acquisition Act, 1894 (for short 'the said Act of 1894') by which substantial enhancement in market value has been granted. The application is opposed by the learned counsel appearing for the respondent on the ground that there is a gross delay.

2. We have perused the application. The application contains averments based on the explanation for delay submitted by the office of the Government Pleader, Panvel, District Raigad

and the Deputy Collector (Land Acquisition), Metro Centre No.1, Uran. The delay in making an application for grant of certified copies of the judgment and award has also been explained. The difficulties faced by the office of the Assistant Government Pleader are also set out. It is stated that large number of land acquisition references under section 18 of the said Act of 1894 are being disposed of by the Court at Panvel. Moreover, large number of other matters are being disposed of to which State Government is a party. It is stated that for a long time, there was only one Assistant Government Pleader at Panvel who was assisted only by one part time clerk.

3. The Apex Court has held that a justice oriented and liberal approach has to be adopted while considering an application under section 5 of the Limitation Act, 1963. Considering the explanation offered in the application as well as the nature of the impugned judgment and award, sufficient cause is made out to condone the delay. Accordingly, rule is made absolute in terms of prayer clause (b). Civil application is disposed of.

(V.L.ACHLIYA, J.)

(A.S.OKA. J.)