

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

C.A.F. NO.2563/2014 IN FIRST APPEAL STAMP NO.14875/2014

V.I.D.C., through its Executive Engineer

..Versus..

Keshav Govindrao Deulkar through L.Rs. and others

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 27.1.2015

Leave to correct the serial numbers of non-applicants in the
cause title. Amendment to be carried out forthwith.

Heard Shri Anoop Parihar, the learned advocate for the
applicant, Shri C.R. Najbile, the learned advocate for the
non-applicants 1(a) and 1(b) and Shri M.A. Kadu, the learned A.G.P.
for the non-applicants 2 and 3.

This is an application filed by the Vidarbha Irrigation
Development Corporation praying for condonation of delay of 623 days
in filing the appeal. The reasons for the delay are given in paragraph

nos.2, 3 and 4 as follows :-

“2. That the above judgment and award came to be passed on 14-8-2012. The application for the certified copy of the same was made on 31-12-2013 and the same was received on 3-1-2014. It is submitted that the certified copy of the said impugned judgment and award was received in the office of the Jurisdictional Executive Engineer of the Appellant Corporation from the Counsel on 15-1-2014. It is submitted that thereafter the said Executive Engineer submitted all the relevant documents pertaining to the present case in the office of the appellant Corporation on 31-1-2014. It is submitted that after seeking necessary legal advice and taking into consideration all the relevant documents, the appellant corporation decided to challenge the aforesaid judgment and award dated 14-8-2-2012 by filing the instant appeal in this Hon'ble Court.

3. It is submitted that all the relevant documents were sent to the Standing Counsel of the Appellant Corporation on 24-2-2014 for drafting and filing the instant appeal before this Hon'ble Court. The Standing Counsel accordingly drafted the appeal and intimated the appellant on 3-3-2014 regarding sending the amount of court fee to be paid in the instant appeal.

4. It is submitted that accordingly the appellant Corporation made a demand of the court fee to its circle office which in turn made a demand to the Head Office and due to paucity of funds; the court fee

amount could not be released from the Head Officer in time. The applicant received the Court fee amount on 10-3-2014. The requisite court fee was then forwarded to the Standing Counsel on 12-3-2014. Thereafter the amount was paid to the stamp vendor and the court fee is received on 15-3-2014. Thus, after complying all necessary formalities, immediately the appeal is being filed before this Hon'ble Court."

The reasons given by the applicant for condonation of delay cannot be said to be 'sufficient cause' on the basis of which the inordinate delay of 623 days can be condoned. It goes unexplained as to why steps were not taken for applying for certified copy for about 1½ years.

In view of the above, the civil application is dismissed. Consequently, the first appeal is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE