

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

CIVIL APPLICATION (CAF) 3514 OF 2014

IN

FIRST APPEAL (STAMP) NO. 20720 OF 2014

(Executive Engineer, Minor Irrigation Vs. Uttam Baliram Bhagat & others)

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

Court's or Judge's orders

Shri V. G. Palshikar, Advocate for the appellant.
Shri N. R. Rode, A.G.P. for respondent Nos. 2 & 3.

CORAM : B. P. DHARMADHIKARI
AND S. B. SHUKRE, JJ.
DATED : 24 MARCH, 2015

Prayer is to condone delay in filing the
appeal under Section 54 of the Land Acquisition Act.

The Registry has pointed out that there is
delay of 482 days. According to Shri Palshikar, the
delay is only 100 days. Nobody appears for
respondent No.1, though served.

Certified copy of the judgment delivered by
Reference Court shows in title at the top of its first
page the date 20/3/2014 as date of the decision.
However, on 2nd page below the word 'Judgment' date
20th March, 2013 has been mentioned. Very same
date appears again at the end of the judgment at page
27. The Presiding Officer while putting signature has
not put any date. However, on award the date of

decision has been mentioned as 20/03/2014. After reproducing the operative order in the award again date 20/03/2013 appears. However, below the Bill of Costs, learned Presiding Officer has mentioned date 26/3/2014.

It is, therefore, obvious that mention of year 2013 in the certified copy of the judgment is an inadvertent error.

Perusal of paragraph-2 of the application for condonation of delay shows that within reasonable time the steps were taken to procure certified copy, to obtain legal opinion and then necessary clearance.

The Court-fee was paid to the standing Counsel on 20/9/2014 and the papers have been signed and sworn in by the Executive Engineer on 07/10/2014. The appeal has been presented with prayer for condonation of delay on 13/10/2014.

As such, we do not see any laches or negligence on the part of the applicant. The delay is, therefore, condoned.

Office to register the first appeal.