

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CAF No. 464 of 2015
(In FA St. No. 21967/14)

State of Maharashtra

v.

Dadu @ Babulal Ratiram Patle

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

Court's or Judge's orders

Coram : B.P Dharmadhikari &
S.B. Shukre, JJ.

Date : 18th April, 2015.

Prayer of State Govt. is to condone delay of 149 days in filing the appeal. Reliance is placed on the affidavit filed in support of the application for condonation of delay.

Mr. Mehta, learned counsel for respondent is strongly opposing the application for condonation of delay. According to him, because of non-filing of appeal within the stipulated time, right to recover compensation at the rate awarded under Section 18 of Land Acquisition Act has become final. He submits that only movement of file from one office to another office at Nagpur has been pointed out and request to condone the delay has been made. He also relies upon the judgment of Hon'ble Apex Court to show

that in this situation delay cannot be condoned. However, during course of arguments, he fairly pointed out that appeal filed for enhancement by landlord vide F.A. No. 507/14 has been admitted by this Court in March 2015. At this stage, he states that it may be in January, 2015. However, we find that present proceedings are filed on 7.11.2014, i.e. before admission of said appeal.

Thus, in law after service of notice of admission of said appeal of land owner, State Govt. could have filed its appeal within one month. We, therefore, do not find it necessary to evaluate rival contentions. Accordingly, we condone the delay and direct the Registry to register the appeal.

F.A. St. No. 21967/14

Appeal is directed to be registered after condoning delay of 149 days. With consent, we have taken up the same for admission.

Admit. To be heard along with F.A. No. 507/14.

C.A.F. No. 465/15

Notice returnable on 16.6.2015. Advocate Mehta waives notice for respondent.

Judge

Judge

/TA/