

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

C.A.F. NO.1312/2014

IN

FIRST APPEAL STAMP NO.22211/2013

Executive Engineer, Minor Irrigation Division, Washim, Distt. Washim

..Versus..

Subhash Ramdhan Chawhan and others

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

Court's or Judge's orders

Shri A.V. Palshikar, Adv. for the applicant.

CORAM : Z.A. HAQ, J.

DATE : 23.1.2015

Heard Shri A.V. Palshikar, the learned advocate for the applicant, Shri A.B. Darekar, the learned advocate for the non-applicant no.1 and Shri M.A. Kadu, the learned A.G.P. for the non-applicants 3 and 4.

This is an application praying for condonation of delay of 1618 days in filing the appeal. The reasons given by the applicant for the

delay are in paragraph nos.2 and 3 as follows :-

"2. It is submitted that appellant was not a party before the Civil Judge Senior Division, Washim in L.A.C. No.47/2000. The land was acquired for minor irrigation project. The said project comes under V.I.D.C. V.I.D.C. Is formed by Act of Legislature namely Vidarbha Irrigation Development Corporation Act 1997. That in view of the said Statute the liability about the acquisition of the lands and compensation thereof of the said project is with the Vidarbha Irrigation Development Corporation, Nagpur from April, 1997. The appellant learnt about the judgment of reference court when the L.A.O. informed the appellant to pay the amount of award to L.A.O. That thereafter the appellant applied for certified copy of judgment on 22-12-2011 and it was received on 13-1-2012. The Executive Engineer thereafter opined to file appeal on 15-2-2012. Superintending Engineer opined to file appeal on 18-2-2012. V.I.D.C. referred the matter to their Legal Advisor Adv. Jagtap seeking his opinion. Legal Advisor opined to challenge the decision by filing appeal on 4-7-2012. The Executive Director opined to file appeal on 30-9-2012. Thereafter the matter was referred to Standing Counsel Adv. V.G. Palshikar. Standing Counsel asked for court fee amount in total 29 cases on 1-11-2012. Thereafter court fee amount was paid to Standing Counsel in the month of May 2013 and after obtaining Court Fees this appeal is being filed.

3. It is submitted that the delay caused is due to time taken for the instructions and also the period for

which the appellant got time taken for obtaining certified copy and Court fees. It is submitted that the delay caused is due to bonafide reasons and is liable to be condoned.”

The explanation given by the applicant cannot be said to be 'sufficient cause' to condone the inordinate delay of 1618 days in filing the appeal. The application is dismissed. Consequently, the appeal is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.