

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

CIVIL APPLICATION F. NO.1364/2014

IN

FIRST APPEAL ST. NO.22270/2013

Executive Engineer (V.I.D.C.) Minor Irrigation Division, Washim, Distt. Washim

...Versus...

Bhikamchand Ramprasad Toshaniwal 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, Advocate for applicant
Shri A.B. Darekar, Advocate for respondent no.1
Shri M.A. Kadu, AGP for respondent nos.2 and 3

CORAM : Z.A. HAQ, J.

DATE : 04.02.2015

Heard the learned Advocates for the respective parties.

This is an application filed by the applicant/appellant praying for condonation of delay of 1254 days in filing the appeal. The explanation given by the applicant/appellant for delay in filing the appeal is in paragraph no.2 of the application, which reads as follows :

“That the judgment was pronounced on 7-4-2010. The appellant received the demand from office of L.A.O. on 26-9-2011. The Law and Judiciary Department gave its opinion on 30-8-2011. The Standing Counsel at Washim gave his opinion to the office of appellant on 20-11-2010. The Executive Engineer opined to file appeal on 13-3-2012. The Superintending Engineer opined to file appeal on

21-3-2012. Thereafter the appellant referred the matter to the Legal Advisor of V.I.D.C. The Legal Advisor opined to file appeal on 4-7-2012. The Executive Director opined to file appeal on 14-9-2012. Thereafter all the case papers were submitted to Standing Counsel in the month of October 2012. The Standing Counsel asked for court fee amount in total 29 cases from appellant on 1-11-2012. The court fee amount was paid to Sanding Counsel in May 2013. The reasons for condonation of delay were submitted in November 2013. Thereafter the appeal is filed.”

The facts stated in the application show that there has been gross negligence on the part of the concerned authority in dealing with the matter. There is no explanation as to why the Executive Engineer took more than 06 months to take appropriate steps in the matter after the Law and Judiciary Department gave its opinion. The casual approach of the authority and the Executive Engineer in the matter dis-entitles the applicant/appellant from seeking condonation of inordinate delay of 1254 days in filing the appeal.

The civil application is dismissed. Consequently, the first appeal is rejected.

The Executive Engineer who was in the office from August, 2011 till March, 2012 shall personally pay costs of Rs.5,000/- (Rupees Five Thousand Only) to the respondent no.1 and the receipt of it shall be produced on the record of this appeal till 30.03.2015.

JUDGE