

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO. 2461 OF 2016

IN FIRST APPEAL STAMP NO.:3381 OF 2016

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
PANDHARINATH SHRIRANG DHAKNE AND OTHERS

WITH

CIVIL APPLICATION NO.:2463 OF 2016

IN FIRST APPEAL STAMP NO.:3414 OF 2016

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
SUBHASH SADASHIV MURNAR AND ANOTHER

AND

CIVIL APPLICATION NO.:2465 OF 2016

IN FIRST APPEAL STAMP NO.:3411 OF 2016

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
VISHWANATH SATWA PAWAR (DIED) THROUGH
HIS LRS SHANKAR VISHWANATH PAWAR AND OTHERS

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AGP for Applicants : Mr. S. N. Morampalle.

Advocate for Respondents : Mr. Ramraje A. Deshmukh.

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CORAM : **P. R. BORA, J.**

DATE : 08th August, 2016.

ORDER:

. Shri R. A. Deshmukh, learned counsel appears for the
original Claimants in all these matters. In each of the matter, delay

caused is of 3486 days. The averments in the applications for condonation of delay reveal that a common judgment and award passed by the Land Acquisition Reference Court was delivered on 19th December, 2005. The averments further reveal that the proposal whether to prefer the appeal or otherwise was scrutinized by the Law and Judiciary Department and on 18th September, 2006, the office of Government Pleader, High Court, Bench at Aurangabad was informed and accordingly directed to prefer the appeal against the impugned judgment and award. The averments in the applications further reveal that the appeals were drafted by the concerned AGP on 19th September, 2006. The averments further reveal that correspondence was being made for typed copies of the judgment and award and difference chart to calculate the Court fees and legal expenses, however, the said documents were not received to the office of the Government Pleader till 2015 and after such documents were received, immediately the appeals were filed.

2 The learned counsel for the original Claimants has strongly opposed for condoning the delay stating that there is no explanation much less the sufficient explanation for occurrence of delay and he has, therefore, prayed for rejecting the applications.

3 I have carefully considered the averments made in the applications for condonation of delay and it apparently appears to me that there are no justifiable reasons stated so as to condone the delay of such a huge period of 3486 days i.e more than 9 years. When the Law and Judiciary Department has approved the proposal for filing the appeals and the directions issued by the said Department were received to the office of the Government Pleader, Bench at Aurangabad on 18th September, 2006, it is unconscionable that the period of 9 years was consumed for collecting the documents like copies of the judgments and difference chart etc. This is the case of gross negligence on the part of the Government Authorities. In absence of any justifiable cause, I am not inclined to allow the present applications. Hence, the following order:

ORDER

- I. All the civil applications stand dismissed.
Consequently, the appeals on stamp number also stand dismissed.
- II. Pending civil applications, if any, stand disposed of.

- III. If any amount of compensation has been deposited by the Appellant in this Court, the original Claimants are permitted to withdraw the said amount.

[P. R. BORA, J.]

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