

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA 3664/2012group

**929 CIVIL APPLICATION NO. 3664 OF 2012
IN FAST/7748/2012**

WITH

CA/3665/2012 IN FAST/7748/2012

WITH

CA/3666/2012 IN FAST/7755/2012

WITH

CA/3667/2012 IN FAST/7755/2012

WITH

CA/3668/2012 IN FAST/7756/2012

WITH

CA/3669/2012 IN FAST/7756/2012

WITH

CA/3670/2012 IN FAST/7764/2012

WITH

CA/3671/2012 IN FAST/7764/2012

WITH

CA/3672/2012 IN FAST/7768/2012

WITH

CA/3673/2012 IN FAST/7768/2012

WITH

CA/3674/2012 IN FAST/7761/2012

WITH

CA/3675/2012 IN FAST/7761/2012

WITH

CA/3676/2012 IN FAST/7739/2012

WITH

CA/3677/2012 IN FAST/7739/2012

WITH

CA/3678/2012 IN FAST/7752/2012

WITH

CA/3679/2012 IN FAST/7752/2012

THE STATE OF MAHARASHTRA AND ANR
VERSUS
YUNUS NAZIR SHAIKH

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2) CA 3664/2012group

AGP for Applicant State :Mr.G.O.Wattamwar
R/sole Served

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CORAM : P.R. BORA, J.
Dated: August 19, 2016
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PER COURT :-

1. These are the applications filed by the State seeking condonation of delay which has occasioned in filing the present appeals by the State against the awards passed in respective Land Acquisition References by the Civil Judge, Senior Division, Latur. Delay of 1570 days has occurred in filing these appeals. Learned A.G.P. submitted that though the appeals were drafted promptly, for want of necessary certified copies and copies of different charts as well as for non availability of amount of Court fees, the appeals could not be filed within the stipulated period of limitation. Learned Counsel submits that there are inherent errors committed by the Reference Court and as such, the appeals need to be heard on merits. It is further submitted that the delay caused is unintentional. Though the respondents i.e. the original claimants are duly served in all the aforesaid matters, none has entered appearance.

2. On perusal of the applications for condonation of delay it is revealed that the Law and Judiciary Department has scrutinized the proposal for preferring appeals and has accordingly communicated to the Office of the Government Pleader, High Court Bench at Aurangabad, to file the appeals

AGP/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(3) CA 3664/2012group

vide its letter dated 7.5.2008. It is the further contention in the applications that though as per the directions received from the Law and Judiciary Department, the appeals were immediately drafted, the same could not be filed for want of certified copies of the necessary documents and for want of amount of Court fee. The contention so raised, apparently, cannot be accepted. In no case, it can be accepted that the period of around four years can be spent for securing certified copies of the documents. It appears that merely so as to provide some reason for justification of the delay, the averments are made. The reasons cited are not at all justifiable and the State cannot be given differential treatment.

3. The Apex Court in the matter of **Maniben Devraj Shah Vs. Municipal Corporation of Brihan Mumbai, reported in 2012 (5) SCC 157**, held that no premium be given for total lethargy or utter negligence of State officer / machinery / agency / instrumentality and condonation of delay caused by such officer cannot be allowed as a matter of course by accepting the plea that dismissal on the ground of limitation will cause injury to public interest.

4. The Apex Court in the case of **B.Madhuri Gaud Vs. B.Damodar Reddy, 2012 (12) SCC 693** held that if sufficient cause is not shown, delay should not be condoned.

5 The Apex Court in the matter of **Oriental Aroma Chemical Industries Limited Vs. Gujarat Industrial Development Corporation** reported in **2010 (5) SCC 459**, held that in the absence of sufficient cause, Court should not condone the delay.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(4) CA 3664/2012group

6. The Apex Court in the matter of **Pundlik Jalam Patil Vs. Ex.Engg.Jalgaon Medium Project and Ors., 2008(6) BCR 513** held that unless and until sufficient cause is shown, inordinate delay should not be condoned.

7 Recently, the Apex Court in the matter of **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy 2013 (12) S.C. 450** held that if sufficient cause is not shown, application for condonation of delay be rejected.

8. Present appears to be a case of gross negligence and lethargy on the part of the Government officials. For want of any sufficient reasons stated for condonation of delay, I am not inclined to condone the delay which has occasioned in filing the present appeals. Hence, the following order:

ORDER

1) The applications for condonation of delay are rejected. Consequently, the appeals on Stamp number also stand dismissed. Civil Applications for stay stand disposed of.

(P.R. BORA, J.)

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