

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

21 CIVIL APPLICATION NO.4922 OF 2016
IN FAST/7684/2016 WITH CA/4925/2016 IN
FAST/7693/2016

THE STATE OF MAHARASHTR AND ANR
VERSUS
BHANUDAS TUKARAM NAGMODE

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Advocate for Applicants : Mr. G.O.Wattamwar and
Mr. S.N.Morampalle, AGPs (in respective matters)
Mrs. Madne (Narwate) Savita E, Adv. For R/sole.

CORAM : P.R.BORA, J.

DATE : 9th August, 2016.

PER COURT :

1) Heard. The present Civil Applications are filed seeking condonation of delay, which has occurred in filing the appeals by the State Government against the judgment and Award passed by the Reference Court in respective Land Acquisition References. The delay caused is of 2468 days.

2) As averred in para 3 of the present applications, though the impugned judgment and Award was passed on 5.3.2009, the application

for getting certified copies of the said Award was submitted by the applicants on 18.3.2015, i.e. after the period of more than six years. In the applications there is absolutely no explanation as to the reasons for not applying for certified copies for such long period of six years. This appears to be the case of gross negligence on the part of the concerned Government officers.

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 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.

5) The Apex Court in the matter of **Commissioner, Nagar Parishad, Bhilwara Vs. Labour Court, Bhilwara & Anr. 2009 (3) SCC Pg. 525** held that while dismissing an Appeal on the ground of limitation, going into the merits of the case is not allowed.

6) 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.

7) Recently, the Apex Court in the matter of **Esha Bhattacharajee 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) In view of the ratio laid down by the Hon'ble Apex court, referred to above and in view of the fact that in the instant matter, the application for certified copy itself was not submitted for the period of six years and further that no reasons are assigned for the delay, which has occurred in submitting the application for certified copies, is sufficient to reject the present applications. Hence, the following order,

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ORDER

The applications for condonation of delay are rejected. Consequently, the appeals which are on stamp are also dismissed.

(P. R. BORA)
JUDGE

bdv/