

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.5735/2012
902 CIVIL APPLICATION NO. 5735 OF 2012
IN FAST/9419/2012 WITH CA/5736/2012 IN
FAST/9419/2012

THE STATE OF MAHARASHTRA
VERSUS
NARAYAN JAYWANTRAO DESHMUKH, DIED THR. L.RS.
SUMAN AND ANR

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AGP for Applicant State: Mr. G.O.Wattamwar
Mr. Shinde Chandrakant K., Adv., for R/1 & 2.

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CORAM : P.R. BORA, J.
Dated: November 23, 2016

PER COURT :-

1. Heard learned A.G.P. for the applicant State and the learned Counsel appearing for the original claimants.
2. Delay of 2125 days has occurred in filing the present appeal. On perusal of the application, it is revealed that the delay is stated to have been caused for administrative reasons i.e. in seeking sanctions at different levels and in collecting certain documents. The contentions further reveal that the Law and Judiciary Department had approved the proposal for filing appeal in the year 2006, however, the appeal has been filed on 30th of March, 2012. There is absolutely no justification for huge delay of six years. In no case, it can be accepted that for collecting documents to be filed along with the appeal, the period of

AGP/-

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six years will be required. Moreover, when I cursorily went through the contentions in the memo of appeal and the impugned judgment, it is revealed that the subject land admeasures 8 Ares. It is surprising that for such meager piece of land, for which amount of compensation is also not on higher side, and to state more particularly, the enhanced amount of compensation is only to the tune of Rs.6573/-, the State has preferred the present appeal. There seems absolutely no justification for filing the appeal. Moreover, the reasons are insufficient. Hence, the Civil Application for condonation of delay is rejected. Consequently, the Appeal on Stamp number also stands dismissed. Pending Civil Applications, if any, stand disposed of.

(P.R. BORA, J.)

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