

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.5305 of 2012

**26 CIVIL APPLICATION NO. 5305 OF 2012
IN FAST/10570/2012 WITH CA/5306/2012 IN
FAST/10570/2012**

THE STATE OF MAHARASHTRA AND ANR
VERSUS
SAYED AHAMADALI S/O KHAJAALI (DIED) LRS SAYYED
MIRALI SAYYED AHMADALI AND ANR

...
APP for Applicants : Mr. G.O.Wattamwar
Mr.G L Awale, Adv., for R/1 & 2

...
CORAM : P.R. BORA, J.
Dated: August 22, 2016

...

PER COURT :-

1. Delay of 1869 days has occurred in filing the present appeal. Learned A.G.P. submitted that in making the procedural compliances and seeking sanctions at different levels, the time was consumed and that is the reason that the appeal could not be filed within the stipulated period of limitation. Learned Counsel submitted that there are valid grounds raised by the appellant in exception to the impugned award and, as such, opportunity needs to be given to the appellant to contest the matter on merits.

2. I have perused the contents of the application. The award which has been impugned in the present petition has been passed on 30th November, 2006. The

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certified copy of the award which is placed on record demonstrates that the application for obtaining certified copy was filed by the State on 5.8.2010 i.e. after the period of about four years. In the present application there is absolutely no explanation as to why for the period of about four years was spent in applying for the certified copy. In absence of any explanation provided for such huge delay, I am not inclined to allow the present application. Even for the delay caused for the further period the explanation is not at all satisfactory.

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.

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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.

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. In the circumstances, the following order:

ORDER

1. The application for condonation of delay is rejected. The appeal on stamp is also rejected. Civil Application for stay stands disposed of.

(P.R. BORA, J.)