

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 CIVIL APPLICATION NO. 13053 OF 2016
IN FAST/14130/2016 WITH CA/13054/2016 IN FAST/14130/2016

THE EXECUTIVE ENGINEER, N.M.C. DIVISION, VAIJAPUR
VERSUS
SAHEBRAO GENU THORAT AND ANR

WITH
9 CIVIL APPLICATION NO. 13056 OF 2016
IN FAST/12769/2016 WITH CA/13057/2016 IN FAST/12769/2016

THE EXECUTIVE ENGINEER, N.M.C. DIVISION, VAIJAPUR,
AURANGABAD
VERSUS
BHAGINATH PANDHARINATH SHINDE AND ORS

WITH
10 CIVIL APPLICATION NO. 13058 OF 2016
IN FAST/14122/2016 WITH CA/13059/2016 IN FAST/14122/2016

THE EXECUTIVE ENGINEER, N.M.C. DIVISION, VAIJAPUR
VERSUS
CHABU FAKIRA AND ANR

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Advocate for Applicant : Sonwalkar Vilas R.
AGP for Respondents: S.P. Deshmukh, S.N. Morampalle, G.O.
Wattamwar
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CORAM : P.R. BORA, J.
DATE : 06-10-2016.

Per Court :

1. Delay of 1232 days has occurred in filing the aforesaid two appeals, whereas, delay of 1753 days has occurred in filing the third appeal by the acquiring body. The learned counsel appearing for the acquiring body submitted that, after the impugned award was passed the matter was sent for seeking legal opinion whether

to file any appeal against the judgment and award and after such opinion was sought in collecting the documents to be filed along with the appeal and in arranging the amount of court fees, the time was consumed and that is the reason that the appeals could not be filed within the stipulated period of limitation.

2. Learned counsel further submitted that, there are valid grounds raised by the acquiring body in challenge to the impugned judgment and award and, as such, the acquiring body needs to be extended with an opportunity to contest the matter on merits. The learned counsel, therefore, prayed in the application for condoning the delay.

3. On perusal of the application it is revealed that though the award was passed on 07.09.2012 in two matters and in the third matter it was passed in the year 2011. The application for certified copies in the two matters were submitted after lapse of about one year and in the third matter it was submitted after a period of five years. The reasons which are assigned for seeking legal opinion and for arranging court fees etc. are also cannot be said to be just and sufficient for condoning the delay. It appears that, the concerned officers were too negligent in dealing with the matter. In no case it can be accepted that so much of time will be required for seeking the sanction or making the procedural compliances. The lack of funds also cannot be reason for justifying

the delay which has occurred in filing the appeal. It is revealed that the acquisition is of the year 1995.

4. Considering the facts as aforesaid and more particularly having regard to the fact that no sufficient reasons are assigned for condonation of delay, I am not inclined even to issue notice in the said applications. The applications deserves to be rejected. Civil Application are accordingly dismissed. Consequently, the first appeals on stamp numbers also stand dismissed.

(P.R. BORA)
JUDGE

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