

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.8156/2016

**915 CIVIL APPLICATION NO. 8156 OF 2016
IN FAST/14670/2016**

MOSU RANYA BHILL AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, NANDURBAR AND
ANR

...
Advocate for Applicants : Mr.Patil R.C.
AGP for Respondent State: Mr.A.M.Phule

...
CORAM : P.R. BORA, J.
Dated: October 19, 2016

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PER COURT :-

1. This is an application seeking condonation of delay which has occurred in filing the present appeal by the claimants in seeking enhancement in the amount of compensation as awarded by the Reference Court in the Land Acquisition References.

2. Delay of 4376 days has occurred in filing the present appeal. Shri R.C.Patil, learned Counsel appearing for the applicants / appellants submitted that the applicants are tribal and in the relevant period were out of their villages since they had become landless and were searching for jobs elsewhere. Learned Counsel submitted that the appellants / applicants, in the meanwhile period, could not contact their lawyer also and for all these reasons, the delay has occurred in presenting

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the appeals by them. Learned Counsel submitted that considering the aforesaid grounds, the delay be condoned and the appeals filed by the appellants be decided on merits.

3. Shri A.M.Phule, learned A.G.P. appearing for the respondents, opposed the submissions made on behalf of the appellants / applicants. Learned A.G.P. submitted that the delay caused is of the period of about 12 years and no sufficient reasons are assigned by the appellants / applicants to justify the same. Learned A.G.P., therefore, prayed for rejecting the application.

4. I have carefully considered the submissions advanced on behalf of the appellants and the respondent State. On a query made by this Court with the learned Counsel for the appellants / applicants, it was informed by the learned Counsel that the appellants have received the enhanced amount of compensation as per the award passed by the Civil Court in the Land Acquisition Reference. It is, thus, evident that the appellants / applicants were in receipt of a sum of more than Rs.11,00,000/- (Rs. eleven lacs). In this background, the other grounds which have been raised by the appellants /

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applicants appear unconvincing. The delay caused is of the period of about 12 years. It cannot be disputed that the expression sufficient cause has to be construed liberally and in such matters, the approach of the Courts shall be justice oriented. However, distinction has to be made in the delay and inordinate delay. If the delay is of the inordinate period and if the reasons assigned are absolutely vague and unconvincing, the delay cannot be condoned.

5. In the instant case, the reasons which are assigned by the appellants / applicants for the huge delay of about 12 years are insufficient. The appellants / applicants have failed in justifying the delay which has been caused in filing the appeal by them. I, therefore, decline to condone the delay. Hence, the following order:

ORDER

1. The application for condonation of delay is rejected. Consequently, the First Appeal on Stamp also stands rejected.

(P.R. BORA, J.)

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AGP/-