

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.11050/2013

931 CIVIL APPLICATION NO. 11050 OF 2013

IN FAST/19492/2013

WITH

CA/11051/2013 IN FAST/19492/2013

WITH

CA/11052/2013 IN FAST/19495/2013

WITH

CA/11053/2013 IN FAST/19495/2013

THE STATE OF MAHARASHTRA

VERSUS

NARSING PUNDLIK PADILE

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AGP for Applicant : Mr. Y.G.Gujrathi

Advocate for respondent (sole) in CA No.11052/2013

:Mr. S.V.Gundre

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CORAM : P.R. BORA, J.

Dated: December 01, 2016

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PER COURT :-

1. Both the present appeals are arising out of common judgment and award passed by the Court of second Additional District Judge at Latur in LAR No.289/1989 and 290/1989. In one matter, respondent is served whereas in another matter, the sole respondent i.e. original claimant is yet to be served. Though the present appeals along with the applications for condonation of delay are filed in the year 2013, no steps are taken by the State to serve the sole respondent in one of the matters. Shri S.V.Gundre, who is appearing in another matter for sole respondent i.e. original claimant, pointed out that

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though the lands which are subject matter of the present appeals were acquired in the year 1984 and the Reference Court has decided the Reference application in the year 2000, till date, the claimants have not received single pie as per the award passed by the Reference Court.

2. Delay of 4654 days has occurred in filing these appeals. When I went through the contents of the application, it is apparently revealed that there are absolutely no reasons justifying the delay which has occurred in filing the appeals. The contents of the applications for condonation of delay reveal that the approval from the Law and Judiciary Department was received in the year 2009 itself. The applications further reveal that after receiving such approval, the Government Pleader's Office had demanded certain documents to be filed along with the appeal from the concerned Department and has, accordingly, informed the said Department vide letter dated 20th of June, 2009, and thereafter, by sending reminders on 13.12.2010, 2.7.2011 and in the year 2012, for certified copies of the judgment and award, typed copies, difference chart, court fees, etc. but the said documents were received only in the year 2013, and ultimately appeals along with the applications for condonation of delay came to be filed on 15th July, 2013. It is unconscionable that for securing the documents like

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certified copies of the judgment and award and difference chart, a period of more than three years will be required. It appears to be a case of gross negligence on the part of the Government officials and the same cannot be permitted and no premium can be given for such lethargy and negligence.

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. In absence of any sufficient cause shown for occurrence of inordinate delay of 4654 days, the applications for condonation of delay deserve to be rejected. Even otherwise, on perusal of the impugned judgment, it is revealed that the quantum of enhanced amount of compensation is of few thousands of rupees and for that reason also, it appears to me that there is no propriety to proceed with the appeals. For both the aforesaid reasons, the applications for condonation of

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delay deserve to be rejected and are accordingly rejected. Consequently, the First Appeals on Stamp number also stand dismissed. Pending Civil Applications, if any, stand disposed of.

(P.R. BORA, J.)

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