

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**(1) CA NO.1961/2013group**

**917 CIVIL APPLICATION NO. 1961 OF 2013  
IN FAST/33616/2012**

**WITH**

**CA/1962/2013 IN FAST/33616/2012**

**WITH**

**CA/1973/2013 IN FAST/33562/2012**

**WITH**

**CA/1974/2013 IN FAST/33562/2012**

**WITH**

**CA/1976/2013 IN FAST/33613/2012**

**WITH**

**CA/1977/2013 IN FAST/33613/2012**

THE STATE OF MAHARASHTRA AND ANR

VERSUS

SHIVAJI NIWARTI SHINDE

...

Advocate for Applicant State :Mr. A.D.Namde  
Mr. P.A.Bhosale, Adv., h/f Mr. Pawar Balasaheb K., for  
respondent.

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CORAM : P.R. BORA, J.

Dated: October 14, 2016

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PER COURT :-

1. In filing these appeals, delay of 1859 days has occurred. Learned A.G.P. submitted that, in making procedural compliances and seeking sanctions and approvals at different levels and thereafter, in obtaining certified copies of different documents, charts, to be presented along with the appeals, time was consumed and those are the reasons because of which the appellant could not file the appeals within the stipulated period of

AGP/-

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limitation. Learned A.G.P. submitted that there are valid grounds of objections raised in challenge to the impugned judgment and award and, as such, an opportunity needs to be given to the appellant to contest the matter on merits. Learned A.G.P. submitted that the delay caused is unintentional and for bona fide reasons and needs to be condoned.

2. Shri Bhosale, learned Counsel holding for Shri Pawar, learned Counsel appearing for respondents / original claimants in all these matters, has opposed for condonation of delay. Learned Counsel submitted that the awards impugned in the present appeals have not been even partly complied with by the appellant though period of more than nine years has elapsed. Learned Counsel submitted that the reasons assigned for occurrence of delay are insufficient to condone the delay.

3. On perusal of the applications, it is revealed that the consent from the Law and Judiciary Department was received in the present matter way back in the year 2008. The averments in the applications further reveal that, thereafter, four years' time has been consumed on the excuses that different documents were to be received, to be annexed with the memo of the appeals.

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4. Considering the averments in the applications, it appears that it is a case of sheer negligence and lethargy on the part of the concerned Government officers. In no case it can be accepted that for obtaining documents, charts, etc., the period of four years may be required.

5. 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.

6. In view of the law laid down as above, and in absence of any plausible explanation for the delay so caused, it may not be appropriate to condone it. All these applications for condonation of delay and for grant of stay are, therefore, liable to be rejected and the same are rejected. Consequently, the First Appeals on Stamp also stand dismissed.

( P.R. BORA, J. )