

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.14851 of 2016group

**941 CIVIL APPLICATION NO. 14851 OF 2016
IN
FAST/33443/2016
WITH**

CA/14852/2016 IN FAST/33443/2016 WITH
CA/14853/2016 IN FAST/33509/2016 WITH
CA/14854/2016 IN FAST/33509/2016 WITH
CA/14857/2016 IN FAST/33491/2016 WITH
CA/14858/2016 IN FAST/33491/2016 WITH
CA/14859/2016 IN FAST/33497/2016 WITH
CA/14860/2016 IN FAST/33497/2016 WITH
CA/14861/2016 IN FAST/33494/2016 WITH
CA/14862/2016 IN FAST/33494/2016 WITH
CA/14863/2016 IN FAST/33488/2016 WITH
CA/14864/2016 IN FAST/33488/2016 WITH
CA/14865/2016 IN FAST/33500/2016 WITH
CA/14866/2016 IN FAST/33500/2016 WITH
CA/14867/2016 IN FAST/33506/2016 WITH
CA/14868/2016 IN FAST/33506/2016 WITH
CA/14869/2016 IN FAST/33503/2016 WITH
CA/14870/2016 IN FAST/33503/2016

THE STATE OF MAHARASHTRA
VERSUS
SHESHRAO NIVRUTTI KASULE

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AGP for Applicant State : Mr.Y.G.Gujrathi

...
CORAM : P.R. BORA, J.
Dated: November 18, 2016

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PER COURT :-

1. In all these matters, the delay caused in filing the appeals is of 1713 days. It is the contention of the appellants / applicants that though, after receiving

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approval from the Law and Judiciary Department for filing the appeals against the impugned and judgment and award passed by the second Joint Civil Judge, Senior Division, Ahmednagar, a letter was forwarded to the concerned Department on 3rd of January, 2012, seeking certain documents to be filed along with the appeals, the said documents were received only on 19th of September, 2016, and, thereafter, promptly, the appeals have been filed within few days i.e. on 25th October, 2016.

2. Shri Gujrathi, learned A.G.P., submits that the delay is unintentional and for the reasons stated above. Learned A.G.P. further submits that the appellants / applicants have raised valid grounds in exception to the impugned judgment and, as such, opportunity needs to be given to the State to agitate the appeals on merits.

3. The award which is challenged in the present appeals was passed on 7th September, 2011. As is revealing from the contents of the applications, the Department of Law and Judiciary has approved the proposal for filing appeals on 1st of February, 2012. It is further revealed that the documents were sought by the Office of the Government Pleader by its letter dated 3rd January, 2012. It is further revealed that such documents

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were received to the Government Pleader's Office on 19th September, 2016. There is absolutely no explanation as to what were the reasons that the documents so asked for by the Government Pleader's Office were not supplied by the concerned Department for a period of four years. In absence of any explanation for the said period of four years, there seems no justification for condoning the delay in filing the present appeals.

4. The present appears to be a case of gross negligence on the part of the concerned Government officials.

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. As such, I am not inclined to accept the request for condonation of delay caused in filing the present appeals.

6. Moreover, I have also gone through the impugned judgment which is challenged in the present

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appeals and it is revealed that the enhanced amount of compensation is a small amount to say; in some matters, the enhancement is of Rs.3,000/-; in another matter, it is Rs.6,000/-; and in third matter, it is Rs.9,000/- and the maximum enhanced amount is Rs.90,700/-. It is further revealed that the Reference Court has objectively assessed the evidence on record and has determined market value of the acquired lands. As such, on merits also, I do not see any reason to entertain the appeals. For both the aforesaid reasons, I am not inclined to allow the present applications. Hence, the following order:

ORDER

1. The Civil Applications for condonation of delay are rejected. Consequently, The First appeals on Stamp numbers also stand dismissed. Pending Civil Applications, if any, stand disposed of.

(P.R. BORA, J.)

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