

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3684/2015
WITH
CIVIL APPLICATION NO.3685/2015
IN
FIRST APPEAL (ST) NO. 33413/2010

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A. R. Patil, AGP for the Applicant State.

CORAM : K. K. TATED, J.

DATE : JANUARY 27, 2016

P.C.:

1. Heard. This Application is made by the State of Maharashtra for condonation of 108 days delay in preferring the appeal challenging the award dated 09/01/2010 passed by the Civil Judge, Senior Division, Barshi, Dist. Solapur in LAR No.812/2002 by which the Reference Court awarded additional compensation of Rs.5,272/- to the respondent-claimant.

2. In the present proceedings, the Special Land Acquisition Officer issued Notification u/s. 4 of the Land Acquisition Act, 1894 for acquiring the Respondent-claimant's land admeasuring 019 R being Gat No.350 situated at village Bavi, Tq. Barshi, Dist. Solapur for Pimpalgaon Dhale Medium Project. He submits that after following

due process of law, the Special Land Acquisition Officer awarded compensation of Rs.16,212/- to the respondent-claimant. He submits that being aggrieved thereby, the Respondent-claimant filed Reference u/s. 18 of the said Act. He submits that the Reference Court relying on previous judgment in LAR No.589/2002 held that the respondent-claimant is entitled to additional compensation Rs.5,272/-. Hence, the present appeal.

3. It is to be noted that, the amount which is awarded by the Reference Court on the basis of previous judgment in LAR No.589/2002, is a very meager amount. For this small amount, to call for the Appellant to defend the appeal is not feasible. Hence, though there is delay of 108 days in preferring the first appeal, I am of the opinion that considering the meager amount involved in the first appeal, the civil application is required to be dismissed.

4. It is made clear that this order shall not be treated as a precedent in any other connected matters because the civil application is being dismissed only on the ground that the amount involved in the appeal is very meager. Hence, civil application stands dismissed.

5. Consequently, the registration of the first appeal stands rejected.

6. In view of thereof, civil application for stay of the impugned order stands dismissed as infructuous.

JUDGE