

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 888 OF 2015
IN
FIRST APPEAL (ST) NO. 14367 OF 2014**

Mr. Ramchandra Bhimbaji Pawar & Ors.	... Applicants
V/s.	
The Land Acquisition Officer & Ors.	... Respondents

Ms. Vaibhavi Gole i/b Pallavi Potnis for the applicant.
Mr. A.R. Patil, AGP for the respondent/State.

**CORAM : K. K. TATED, J.
DATED : 13/01/2016**

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by claimants for condonation of 8 years and 204 days delay in filing First Appeal challenging the Judgment and Award dated 17.06.2005 passed by learned District Judge at Pune in L.A.R. No. 97 of 1997.

3 The learned Counsel for the Applicants submits that the Applicants are very old. Therefore, there is delay in filing the First Appeal. She submits that the delay in this matter is 7½ years only. She submits that for the years i.e. 2005-2006 the farmers were affected with heavy rains destroying their crops and rendering them even below the poverty level. Hence, there is a delay on their part to file the present First Appeal within time. She further submits that as soon as they received the compensation from the Respondent Government, they

immediately filed the First Appeal.

4 The learned Counsel for the Applicants submits that in the present proceeding, the Respondent State of Maharashtra deposited the compensation in the Reference Court on 12.06.2012. Thereafter, the claimants filed application for withdrawal of said amount. That was allowed by the Trial Court on 14.12.2012 and the actual payment made to the claimants on 18.02.2013. She submits that as soon as the claimants received the payment, they immediately contacted their Advocate and filed the present First Appeal for enhancement of compensation. In support of these contentions, the learned Counsel for the Applicant relies on paragraphs 4, 5 and 6 of the Civil Application.

5 In support of contention for condonation of delay the learned Counsel for the Applicants relies on order passed by this Court on 25.07.2008 (Coram : J. H. Bhatia, J) in Civil Application No. 681 of 2008 in First Appeal No. 3032 of 2008 and other connected matters. She submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in preferring the First Appeal. She further submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to the applicants.

6 On the other hand, the learned AGP for the Respondents State of Maharashtra vehemently opposed the present Civil Application. He submits that applicant has not shown sufficient cause for condonation of delay. There is no substance in the civil application. Hence, civil application be dismissed with costs.

7 I heard both the sides at length. It is to be noted that in the present proceeding, the Reference Court passed Judgment and Award dated 17.06.2005 awarding enhanced compensation @ Rs.1,13,000/- per Hecter along with statutory benefits as per amended provisions of Land Acquisition Act. The applicants applied for certified copy on 16.12.2006 and same was ready for delivery on 11.01.2007. The claimants collected the same on 11.01.2007 itself. In the present proceeding the claimants received the entire compensation on 18.02.2013. The present First Appeal filed by them on 07.04.2014 i.e. after more than 8 years and 204 days and after one year from the receipt of total compensation.

8 The Apex Court in the matter of **Pundlik Jalam Patil Vs. Ex.Engg. Jalgaon Medium Project and Ors, 2008(6) BCR 513** held that unless and until sufficient cause is shown, inordinate delay should not be condoned.

9 The Apex Court in the matter of **Oriental Aroma Chemical Industries Limited Vs. Gujarat Industrial Development Corporation reported in 2010 (5) SCC 459**, held that in the absence of sufficient cause, Court should not condone the delay.

10 The Apex Court in the matter of **Esha Bhattacharajee Vs. Managing Committee of Raghunathpur Nafar Academy 2013(12) S.C 450** held that if sufficient cause is not shown, application for condonation of delay be rejected.

11 Considering the submissions made by the learned Counsel for the applicants and as the applicants failed to disclose the sufficient cause for condonation of more than 8 years and 204 days delay in filing First Appeal, I am of the opinion that Applicants have not made out any case for allowing the Civil Application.

12 Hence, Civil Application stands rejected.

(K.K.TATED, J.)