

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.1142 OF 2016

IN

FIRST APPEAL ST. NO.21864 OF 2015

(E.E. NAGPUR MEDIUM PROJECT NAGPUR....VS..KANHU PARBAT KHANDATE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : AUGUST 16, 2016.

Heard Shri Anoop Parihar, advocate for the appellant, Shri C.R. Najbile, advocate for the respondent No.1 and Shri S.B.Bissa, A.G.P. for the respondent Nos. 2 and 3.

The appellant has filed appeal challenging the judgment passed by the reference Court under Section 18 of the Land Acquisition Act directing the appellants to pay Rs.1,50,325/- for built-up area of the house and Rs.1,380/- for open plot area adjacent to the house and the statutory claims of the respondent No.1 on the above amount.

There is delay of about 288 days in filing the appeal and therefore, this application is filed praying for condonation of delay. The application is opposed by the respondent No.1 on the ground that the explanation given in the application cannot be considered as sufficient explanation for condoning the delay of 288 days.

In paragraph 2 of the application it is stated that the office of the Jurisdictional Executive Engineer of the appellant Corporation received the copy of the judgment

passed by the reference Court on 17th November, 2014 and the then Executive Engineer submitted all the relevant documents in the office of the appellant Corporation on 6th May, 2015. On the basis of these casual and spacious pleadings, the delay of 288 days in filing the appeal is being explained.

I find that the explanation given cannot be said to be sufficient cause and cannot be accepted for condoning delay of 288 days.

The application is dismissed with costs quantified at Rs.10,000/- to be paid by the appellant to the respondent No.1.

The appellant shall recover the amount of costs of Rs.10,000/- from the concerned Executive Engineer.

Shri Anoop Parihar, learned advocate has made all possible attempts to convince that the delay has occasioned only because of the administrative and procedural aspects and there is no willful negligence on the part of the concerned Executive Engineer in the matter. It is further submitted that in any case the costs may not be imposed.

However, in the facts, I am not able to convince myself that any lenient view is required to be taken in the matter.

The application praying for condonation of delay is **dismissed**. Consequently, the appeal is **rejected**.

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

Uploaded by : R.B. Raut, PS

Uploaded on : 19/08/2016.