

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CIVIL APPLICATION NO. 7937 OF 2015
IN FAST/350/2015 WITH CA/7938/2015 IN FAST/379/2015 WITH
CA/7939/2015 IN FAST/382/2015 WITH CA/7940/2015 IN
FAST/375/2015

THE STATE OF MAHARASHTRA AND ANOTHER
VERSUS
MOTILAL BHIKAN RAJPUT

...
Advocate for Applicants : S.P. Sonpawle

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CORAM : V.K. JADHAV, J.
DATE : 07-03-2017.

P.C. :

1. Heard the learned AGP for the applicant-State.
2. This civil application is filed seeking condonation of inordinate delay of 2813 days.
3. The learned AGP submits that, said delay has been occurred on account of certain administrative difficulties. Though a department of the Government being impersonal may take longer time than private individuals in the matter of preferring an appeal, yet there must be some way or attempt to explain the cause of such delay. The learned AGP has pointed out that, delay has been caused due to administrative difficulties such as forwarding of the proposal and approval, the same is not sufficient at all and there must be some explanation for entire inordinate period of delay in

the matter of preferring an appeal. There is no distinction between the Government and private individuals seeking condonation of delay on certain grounds and requirement of diligence in case of Government cannot be different from that in case of any private individual. It is difficult to accept that such an inordinate delay which runs in years has been caused on account of departmental correspondence and processing of the matter. The applicant State has not brought before this Court sufficient material to explain the cause of such an inordinate delay. Mere plea to that effect is not sufficient. In absence of any plausible explanation such an inordinate delay cannot be condoned.

4. It further appears from the contents of the appeal memo that Reference Court has awarded a very meager amount of compensation. Section 4 notification of the acquired land was published way back in the year 30.06.1988 and the SLAO has awarded the compensation by passing an award on 16.03.1990. Pending application for condonation of delay, no stay is granted by this Court. In view of this also, no purpose would be served in condoning such an inordinate delay.

5. On careful perusal of the judgment and award passed by the Reference Court and grounds of the appeal, I do not find any substantive question of law has been raised.

6. In view of the above discussion, applications seeking condonation of delay of 2813 days caused in preferring the appeal is hereby dismissed.

(V.K. JADHAV)
JUDGE