

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.7881 & 7883 OF 2016

**912 CIVIL APPLICATION NO. 7881 OF 2016
IN FAST/11099/2016**

WITH

CA/7883/2016 IN FAST/11496/2016

THE EXECUTIVE ENGINEER, (P.T.M.I.) NO.1, OSMANABAD AND ORS
VERSUS

UTTAM BABURAO GURAV

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Advocate for Applicants : Mr.Shinde Sopan V.
Mr.Patil Laxmikant C., Adv., for respondents.

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CORAM : P.R. BORA, J.

Dated: July 11, 2017

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PER COURT :-

1. Heard Shri Shinde, learned Counsel appearing for the acquiring body, and Shri L.C.Patil, learned Counsel appearing for the respondents i.e. original claimants.

2. Delay of 1158 days is stated to have been caused in filing the appeals by the acquiring body. I have carefully perused the averments in the applications for condonation of delay. The reason which has been assigned by the applicant for occurrence of delay is that the applicant has to discharge various official duties being officer of the Corporation, including financial, administrative and also has to implement various Schemes, etc. It is further contended that some time was required to seek advice and instructions from the higher authorities in the matter. It does not appear to me that the delay of huge period of 1158 days can be condoned for such reasons. The applicant has not provided any

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particulars as to after passing of the award on 30th of October, 2012, in what sequence he took the steps for seeking advice and seeking sanction for preferring appeal as has been mentioned in the application. Moreover, it is unconscionable that for seeking legal advice or for sanctions from higher authorities, the period of more than three years may be required. In view of the fact that the reasons which are assigned are insufficient, and it apparently appears that the delay has been caused because of negligence on the part of the concerned officer, I am not inclined to condone the delay. The Apex Court in the matter of **Maniben Devraj Shah Vs. Municipal Corporation of Brihan Mumbai, reported in 2012 (5) SCC 157**, has 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.

. In view of the law laid down by the Honourable Apex Court as aforesaid, and for the reasons stated by me hereinabove, the applications stand rejected.

(P.R. BORA, J.)

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