

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.11912/2016

**927 CIVIL APPLICATION NO. 11912 OF 2016
IN
FAST/22257/2016
WITH
CA/11913/2016 IN FAST/22257/2016
WITH
CA/11914/2016 IN FAST/22260/2016
WITH
CA/11915/2016 IN FAST/22260/2016**

THE STATE OF MAHARASHTRA
VERSUS
PANDHARINATH GYANOBA REDDY

...
AGP for Applicant State: Mr. S.P. Sonpawale
Mr. H.B. Nandgavale, Adv., h/f Mr. Vijay G Sakolkar, Adv., for
respondents.

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CORAM : P.R. BORA, J.
Dated: June 16, 2017

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PER COURT :-

1. Heard learned A.G.P. and Shri H.B. Nandgavale, h/f Shri Sakolkar, learned Counsel appearing for respondents i.e. original claimants.

2. Though in the Office note as well as in the application for condonation of delay, it is stated that the delay of 45 days has occurred in filing the present appeals by the State, the material on record shows that the delay, which has occurred in filing the present appeals by the State is of more than 25 years. The awards which have been mentioned in the present appeals were

agp/-

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(2)

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passed on 8th of March, 1990, and the present appeals along with the application for condonation of delay have been filed on 21st of July, 2016. It is the contention of the appellant State that in the year 1982 when the subject land was acquired, the work of percolation tank for which the lands were acquired was under supervision of Minor Irrigation Project Division, Osmanabad, and the work was allotted to Sub Division No.8, Wadhona, taluka Udgir. It is further contended that subsequently, Sub Division No.8 of Wadhona came under the command of Osmanabad Irrigation Division I. Subsequently, it was again transferred to Water Management Division, Latur. In view of the transfer of the said Division under the control of different agencies, according to the State, the appeals could not be filed within the period of limitation. Aforesaid seems to be the only ground for occurrence of delay which, according to me, in any way, cannot be accepted to be just and sufficient cause for condoning the huge delay of 25 years. Since the delay has not been sufficiently explained, I am not inclined to allow the present applications. Hence, the following order:

ORDER

1. The Civil Applications for condonation of delay are rejected. Consequently, the First Appeals on Stamp number also stand rejected. Pending Civil Applications, if any, stand disposed of.

(P.R. BORA, J.)

agp/-