

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 1829 OF 2009
IN FAST/25982/2008 WITH CA/1830/2009 IN FAST/25982/2008 WITH
CA/1831/2009 IN FAST/25985/2008 WITH CA/1832/2009 IN
FAST/25985/2008 WITH CA/1837/2009 IN FAST/25994/2008 WITH
CA/1838/2009 IN FAST/25994/2008

THE EXECUTIVE ENGINEER, NANDUR MADHMESHWAR CANAL
VAIJAPUR
VERSUS
BHIKA MAROTI AND ORS

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Advocate for Applicants : Mr. Ruturaj Patil
AGP for Respondent-State/Authority : Mr. C.V. Dharurkar
Advocate for Respondents-claimants : Mr. P.P. Patni h/f Mr. P.F. Patni

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CORAM : V. K. JADHAV, J.
DATED : 27th MARCH, 2017

PER COURT:-

1. Heard the learned counsel for the respective parties.
2. These civil applications are filed by the acquiring body seeking condonation of inordinate delay of 1606 days caused in filing the first appeals.
3. The learned counsel for the applicant submits that, delay has been occurred on account of certain administrative difficulties. The applicant was required to obtain legal opinion. It was also required to obtain permission and sanction to file appeal challenging the impugned judgment and award. The applicant was also required to

arrange for payment of court fees to be deposited in this Court while filing the appeal. Learned counsel for the applicant submits that the delay may be condoned.

4. Learned counsel for the respondents/claimants has tendered across the bar a copy of order dated 6.8.2013 passed by this Court in civil application No. 1819 of 2009 and other connected civil applications, thereby rejecting the said civil applications filed for condonation of delay arise out of the same acquisition proceedings. The copy of said order is taken on record and marked as "X" for identification.

5. I have also heard learned A.G.P. appearing for the respondent-State/authority.

6. It appears from the contents of appeal memo that Reference Court has awarded a very meager amount of compensation. Section 4 notification of the acquired land was published way back on 19.8.1993 and the SLAO has awarded the compensation by passing an award on 27.4.1997. Pending applications 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.

7. On careful perusal of the judgment and award passed by the

Reference Court and grounds of the appeals, I do not find that any substantive question of law has been raised in the first appeals.

8. In view of above discussion, civil applications seeking condonation of delay of 1606 days caused in preferring the appeals are hereby dismissed. Consequently, The first appeals shall be refused registration. Refund the court fees as per Rules.

9. The civil applications seeking stay to the impugned judgment and award are also disposed of accordingly.

(V. K. JADHAV, J.)

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