

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 932 OF 2016

IN

STAMP NUMBER MAIN NO. 1585 OF 2016

THE EXECUTIVE ENGINEER, WORKS
DIVISION XVIII, FATORDA.,

... Applicant

Versus

MRS. SWARUPA MOHANDAS NAIK AND
ANR.,

... Respondents

Ms. Prachi Sawant, Addl. Government Advocate for the
Applicant.

Mr. Sameer Khedekar, Advocate for the Respondents.

Coram:- F. M. REIS, J.

Date:- 24th March, 2017

P.C.

Heard Ms. Sawant, learned Addl. Government Advocate
appearing for the Applicant and Mr. Khedekar, learned Counsel
appearing for the Respondents.

2. This is an application for condonation of delay of 62 days in
filing the Appeal challenging the Judgment passed by the
Reference Court enhancing the compensation under Section 18
of the Land Acquisition Act.

3. The learned Counsel appearing for the Respondents opposes
the application and point out that there are yawning gaps
between the dates when the papers were handed over to the

concerned Advocate to prepare the Appeal and though the approval was obtained from the concerned Department in April 2016, the Appeal was filed only in July 2016 which has not been explained. In fact, on perusal of the application which is supported by an affidavit, there are patent errors therein even with regards to the dates when the Judgments were delivered to the concerned Department. There is no explanation which has been given as to why the matter which was approved by the concerned Department in April 2016, the Appeal only came to be filed in July 2016.

4. In such circumstances, considering that the averments stand uncontroverted by the Respondents as no affidavit in reply has been filed and taking a justice oriented approach looking into the nature of the controversy, I find that the delay deserves to be condoned subject to the payment of costs to the Respondents which are quantified at Rs.5,000/-.

5. Hence, the delay stands condoned subject to the payment of costs of Rs.5,000/- to the Respondents herein to be paid within four weeks.

6. Application stands disposed of.

F. M. REIS, J.

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