

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 861 OF 2016

IN

STAMP NUMBER MAIN NO. 1589 OF 2016

THE EXECUTIVE ENGINEER, WORK
DIVISION XVIII, PONDA.,

... Applicant

Versus

CAETANO RUZARIO SILVEIRA (DEC)
REP. BY SEVERINA M.A. SILVEIRA.,

... Respondent

Mr. P. Dangui, Addl. Government Advocate for the Applicant.
Mr. Sameer Khedekar, Advocate for the Respondent.

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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