

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 646 OF 2014
IN
CIVIL APPLICATION NO. 4208 OF 2001
IN
FIRST APPEAL NO. 438 OF 2001
WITH
CIVIL APPLICATION NO. 647 OF 2014
IN
FIRST APPEAL NO. 438 OF 2001

The State of Maharashtra	..	Applicant/Appellant
vs.		
Narayan S. Done	..	Respondent

Mr. Yogesh Dabke for Applicant / Appellant.

CORAM : M. S. SONAK, J.
DATE: 14 FEBRUARY 2017

P.C :

1] The appeal challenges award dated 4 August 1999 made by the Reference court enhancing the compensation granted for compulsory acquisition of land. The enhanced compensation in its entirety comes to Rs.8,963/-.

2] On account of failure to take steps despite grant of several opportunities and clearance of office objections, the appeal stood dismissed by Registrar's (Judicial – II) order dated 20 December 2013. After a considerable delay, civil application has been taken out to seek restoration. Again, there was problem of service and

more than a couple of years have elapsed in the matter of issuance of service itself.

3] The main appeal relates to award dated 23 September 1986 made by the Land Acquisition Officer. This means that the acquisition of the respondent's land was completed even prior to the year 1986. Although respondent have been awarded Rs.8,963/-, the appellant – State has not at all been diligent in pursuing such an appeal.

4] This is not a fit case to extend any further indulgence to the appellant – State. The civil application for restoration is therefore dismissed.

5] It is made clear that dismissal of the civil application for restoration and consequently the appeal and civil application, cannot be taken as approval of the rate awarded in the impugned award.

(M. S. SONAK, J.)