

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1489 OF 2012
IN
FIRST APPEAL (ST) NO.9544 OF 2007**

The State of Maharashtra & Ors. ..Applicants/Appellants

V/s.

Pralhad Vishwanth Fopale ..Respondent

Mr.Yogesh Y. Dabke, AGP for the Applicants/Appellants.

Mr.Prashant R. Suryawanshi i/by Mr.Gajanan M. Savagave for the respondent.

CORAM : M. S. SONAK, J.

DATE : 20 FEBRUARY 2017.

P.C.

1. The delay in this case is of 222 days there is some explanation furnished in the Civil Application. Therefore, as in other cases, delay would have been condoned by imposing of cost of Rs.10,000/-. However, it is noticed that the entire amount of enhanced compensation works out to Rs.16,222/-. The impugned award was made in the year 2006. Matter has remain pending mainly because no steps were taken by the applicant to serve the unserved respondents. Taking into consideration the quantum of compensation, no useful purpose will be served by condoning the

delay and entertaining the appeal on merits. For the reasons set out in order dated 06 February 2017 in Civil Application No.5080 of 2001 in First Appeal Stamp No.12511 of 1999 and connected matters is applicable to the situation of this nature, this Civil Application and consequently the appeal is dismissed.

2. In view of the dismissal of the appeal, the Civil Application No.1490 of 2012 for stay also does not survive and the same is disposed of.

3. It is made clear that since the dismissal of the Civil Application and the appeal is in circumstances as aforesaid, the same may not be treated as approval the rate awarded by the Reference Court.

4. Since, the application and appeal is dismissed as aforesaid the rate awarded by the Reference Court has may not be approved by this Court.

(M. S. SONAK, J.)