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

**CIVIL APPLICATION NO. 438 OF 2017
WITH
CIVIL APPLICATION NO. 439 OF 2017
IN
FIRST APPEAL (ST) NO. 9548 OF 2007
WITH
FIRST APPEAL (ST) NO. 9548 OF 2007**

The State of Maharashtra & Ors. ...Applicants/Appellants
vs
Kondiba Ambadas Aaglave ...Respondent

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

.....
**CORAM : M. S. SONAK, J.
13 FEBRUARY, 2017**

P.C. :

As a last chance, the applicants were to serve the unserved respondent within a period of four weeks. Till date, the respondent has not been served. In the Civil Application, it seeks condonation of delay of 220 days in instituting the appeal against the award of Reference Court dated 6th June, 2006.

2 This appeal was instituted in the year 2007 along with an application for condonation of delay. The applicants/ State, did not deposit an appropriate court fee and there was deficit of Rs.2460/-. In fact, it appears, that the appeal was filed by payment of only some nominal court fee of Rs.20/-. The compensation amount involved in

this appeal, even after enhancement was granted by the Reference Court is only Rs.16,701/-

3 The Civil Application and the Appeal is pending since last 10 years, on account of delay in payment of court fee by the applicants. On this ground, in fact, this appeal had been dismissed. However, the same was restored by an order dated 15th October, 2010 permitting the State to pay court fees within a period of six weeks. Again the court fee was not paid within six weeks and further extensions were applied for. Ultimately the court fee was paid but no appropriate steps were taken to serve the unserved respondent.

4 The matter is thus pending since last 10 years. Considering the total amount of compensation is only Rs.16,701/- and taking into consideration the delay in taking steps to effect service, it will not be proper to condone the delay and entertain this appeal. Accordingly, the Civil Application is dismissed. Consequently, the appeal as well as the Civil Application for stay of award of the Reference Court, stand dismissed.

5 It is made clear that since the Civil Applications and Appeal are dismissed, in the aforesaid circumstances, this order may not be treated as approval of rate awarded by the Reference Court for the purpose of the acquisition in similar matters.

(M. S. SONAK, J.)