

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 14336 OF 2012
WITH
CIVIL APPLICATION NO. 4001 OF 2013
AND
CIVIL APPLICATION NO. 4002 OF 2013

Maharashtra Krishna Valley Development Corporation	...Appellant
<i>Versus</i>	
Bhimaji Savleram Modhve & Ors	...Respondents

Mr Vivek Tadake, for the Appellant.
Mr YY Dabke, AGP, for Respondents Nos. 2 & 3.

CORAM: G.S. PATEL, J
DATED: 18th July 2017

PC:-

1. There is a delay of four years and 58 days in filing the First Appeal.

2. The appeal is by the Maharashtra Krishna Valley Development Corporation which was a participant in the reference proceedings as well. The explanation for the delay is unsatisfactory.

3. The judgment of the Reference Court is dated 29th November 2007. The Appellant applied for a certified copy on 23rd November 2010, almost exactly three years later. That copy was ready in January 2011.

4. This does not explain why from 2011 to 2013 no appeal was filed. There is the usual pattern of blame-shifting — in paragraph 5 the appellant's advocate is sought to be blamed. Then in paragraph 6, the Appellant seems to blame the process of filing an appeal, saying that it is too cumbersome.

5. This is no explanation at all. I am not prepared in an age where every department of the Government claims to be functioning only in some "e-governance" manner, presumably to minimise the delay and for greater efficiency, to hear the Maharashtra Krishna Valley Development Corporation saying that it could not act sooner.

6. The Civil Application is dismissed. Consequently, the appeal is also dismissed. The Civil Application seeking stay does not survive and is disposed of as infructuous.

(G. S. PATEL, J)