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

**FIRST APPEAL (ST) NO. 6504 OF 2001
WITH
CIVIL APPLICATION NO.3259 OF 2011
AND
CIVIL APPLICATION NO.3260 OF 2011
IN
FIRST APPEAL (ST) NO. 6504 OF 2001**

The State of Maharashtra & Anr. ...Appellants
vs
Mahadu Lasha Bagul & Ors. ...Respondents

.....
Mr Yogesh Dabke AGP for the appellants – State.

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

P.C. :

This appeal challenges an award of the Reference Court dated 24.08.2000. After enhancement, the entire compensation awarded to the respondents – claimants comes to Rs.12,260/-.

2 The appeal was instituted 66 days beyond the prescribed period of limitation. Though the appeal was instituted sometimes in the year 2001, the appellant – State took almost 10 years to pay / deposit court fee of Rs.915/- which was ultimately paid on 6.4.2011. Then there is Civil Application for bringing on record the legal representatives of deceased Respondent No.1A, which is, again, barred by limitation. Till date, the service is not complied upon the

respondents.

3 Considering that even the enhanced compensation in its entirety work out to Rs.12,260/-. The state almost took 10 years to pay even the court fees in respect of this appeal. It will not be appropriate to condone the delay either in institution of the appeal or in bringing on record the legal representatives of some of the deceased respondent on record. At this point of time, to require the respondents or rather their legal representatives, these amounts came to be compulsorily required to defend these proceedings, which have, in all awarded them, the compensation only to Rs.12,260/-, will be harsh and equitable.

4 For all the aforesaid reasons, all Civil Applications and consequently the First Appeal, stands dismissed.

5 It is, however, made clear that since the Civil Applications and the First Appeal are dismissed in the aforesaid circumstances, the rate awarded by the Reference Court may not be treated as approved by this Court.

6 The Civil Applications and the First Appeal are disposed of accordingly.

(M. S. SONAK, J.)