

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

**CIVIL APPLICATION NO.5069 OF 2001
IN
FIRST APPEAL (ST) NO.13327 OF 1999
WITH
CIVIL APPLICATION NO.5070 OF 2001
IN
FIRST APPEAL (ST) NO.13327 OF 1999**

The State of Maharashtra ..Applicant/Appellant

V/s.

Vittal Rama Mali

..Respondent

Mr.Y.Y. Dabke, AGP for the Applicant/Appellant-State.

CORAM : M. S. SONAK, J.

DATE : 06 FEBRUARY 2017.

P.C.

1. The delay in instituting of this appeal is of only 90 days. The appeal is directed against the award dated 03-08-1998, by which, the Reference Court has directed the appellant-State to pay enhanced compensation, which, in its entirety works out to Rs.1,160/-.

2. At this point of time, there is no case made out to either condone the delay or entertain this appeal. In the first place no proper steps were taken to serve the respondent despite expiry of

almost 18 years since the date of institution of this appeal. The entire amount involved in the appeal is Rs.1,160/- and the state is perhaps expending amounts far in excess of Rs.1,160/- in order to prosecute an appeal against this nature and to deprive the respondent whose land the state was compulsorily acquired. For these reasons, the Civil Application as well as the appeal is dismissed. However, such dismissal should not be construed as approval of the rate determined by the Reference Court.

3. The Civil Application for stay also does not survive and the same is disposed of.

(M. S. SONAK, J.)