

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3585 OF 2001
IN
FIRST APPEAL (STAMP) NO. 11401 OF 1997

The State of Maharashtra .. Applicant / Appellant
vs.
Shri Babasaheb D. Dudhal & Ors. .. Respondents

Mr. A. A. Palkar – AGP for Applicant / Appellant.

CORAM : M. S. SONAK, J.
DATE: 23 JANUARY 2017

P.C :

1] Heard Mr. Amit Palkar, learned AGP for the applicant / appellant.

2] This civil application seeks condonation of delay of 2 years and 345 days i.e. delay of 1193 days in instituting the appeal against award dated 6 December 1993.

3] In paragraph 1 of the application, it is stated that the certified copy of the award was ready and received on 4 April 1994. After considerable delay, the Law and Judiciary Department, on 3 November 1995 resolved to institute the first appeal in this Court. At least within some reasonable time from 3 November 1995 this appeal ought to have been lodged. However, the appeal has been lodged on 25 April 1997.

4] There is hardly any reason to explain the inordinate delay between 3 November 1995 and 25 April 1997. To state that certified copy of the award was received by the Government Pleader's office on 29 January 1996 and thereafter the appeal was filed on 25 April 1997 is not really any explanation for such delay but only affirmation that the delay is inordinate and there is really no sufficient cause for such delay.

5] The usual explanation that the Government is an impersonal agency or that Government decisions always take time, are not acceptable in the facts and circumstances of this case. Besides, it must be noted that the enhanced compensation, in the present case, in all, works out to Rs.24,000/-. Although, this may not be strictly speaking a relevant factor in considering the issue of condonation of delay, it is necessary to note that there is in fact no sufficient cause and if, the delay is not condoned, it is unlikely that any serious prejudice will occasion the applicant.

6] For the aforesaid reasons, the civil application is dismissed. Consequently appeal itself is dismissed.

(M. S. SONAK, J.)