

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

**CIVIL APPLICATION NO.422 OF 2017
IN
FIRST APPEAL (ST) NO.6867 OF 1998**

The State of Maharashtra
(Through the Special Land
Acquisition Officer, Irrigation No.1,
Nashik)

..Applicant/Appellant

V/s.

Shri.Rajaram Ganpat Thete (Deceased)
(Through his legal heirs)

1a. Yamunabai Rajaram Thete & Ors. ..Respondents

Mr.Yogesh Y. Dabke, AGP for the Applicant/Appellant.

CORAM : M. S. SONAK, J.

DATE : 20 FEBRUARY 2017.

P.C.

1. Mr.Dabke the learned AGP states that service is completed in this Civil Application.

2. Accordingly, for the reasons set out in the Civil Application order dated 23 March 2011 is recalled and the Civil Application No.879 of 2011 in First Appeal Stamp No.6867 of 1998 is hereby restored.

3. Upon restoration, it is realized that in the First Appeal, the enhanced compensation in its entirety works out to Rs.1,649.32/-. Besides, there was delay of 2 years and 130 days in institution of the appeal itself. No sufficient cause has been shown for explaining this inordinate delay. Application seeking similar condonation have been dismissed by order dated 07 February 2017 in Civil Application No.2099 of 1999 in First Appeal (Stamp) No.6887 of 1998.

4. Accordingly, for the reasons set out in order dated 07 February 2017 (Supra) and 06 February 2017 in Civil Application No.5080 of 2001 in First Appeal Stamp No.12511 of 1999 the Civil Application seeking condonation of delay and consequently, the First Appeal is hereby dismissed. Interim order, if any, stands vacated.

5. In view of the dismissal of the appeal, the Civil Application for stay does not survive and the same is disposed of.

(M. S. SONAK, J.)