

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

**CIVIL APPLICATION NO.420 OF 2017
IN
FIRST APPEAL (ST) NO.6854 OF 1998
WITH
CIVIL APPLICATION NO.421 OF 2017
IN
FIRST APPEAL (ST) NO.6854 OF 1998**

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

V/s.

Shri.Popat Govind Malsane (Deceased)
1A. Shri.Sharad Popat Malsane & Ors. ..Respondents

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

CORAM : M. S. SONAK, J.

DATE : 20 FEBRUARY 2017.

P.C.

1. The main appeal questions the award dated 27-03-1995, which was awarded enhanced compensation of Rs.24,568/- in its entirety to the respondent-claimants. The main appeal was instituted after delay of two years and 130 days. Upon perusing the reasons set out in the application of the delay, does not appear that the sufficient cause have been shown. Similar applications have been dismissed in the past. The reference in this

regard can be made to the order dated 07 February 2017 in Civil Application No.2099 of 1999 in First Appeal (Stamp) No.6887 of 1998.

2. That a part, in this case, there is delay of about 8 years and 284 days in bring on record the legal representatives of respondent No.1 and delay of 7 years and 201 days in bringing on record the legal representatives of the respondent No.2. There is no sufficient cause shown for condoning the inordinate delay in setting aside abatement, which has, in time, set in. Accordingly, for the reasons set out in order dated 07 February 2017 (Supra) as well as the order dated 06 February 2017 in Civil Application No.5080 of 2001 in First Appeal (Stamp) No.12511 of 1999, this Civil Application in this appeal is dismissed. Consequently, the appeal does not survive and the same is also dismissed.

3. 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.)