

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

**CIVIL APPLICATION NO.3738 OF 2011
IN
FIRST APPEAL (ST) NO.22092 OF 2011**

The State of Maharashtra & Ors. ..Applicants/Appellants

V/s.

Shri.Chandrakant D. Aaglave & Ors. ..Respondents

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

Mr.Prashant R. Suryawanshi i/by Mr.Gajanan M. Savagave for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 20 FEBRUARY 2017.

P.C.

1. In this case, the delay in the institution of the appeal is for four years and 200 days. By judgment and award dated 06-06-2006 the enhanced compensation awarded to the respondent (Claimant) works out to in its entirety to Rs.20,124/-.

2. In paragraph No.2, there is reference to the movement of files. That by itself, does not constitute sufficient cause. Thereafter, in paragraph No.3, there is a general explanation given that there was huge pendency of cases and there was shortage of staff this has resulted in delay of four years and 200 days. This is not a satisfactory manner of explaining the delay. That a part, normally, in such cases, condonation can be considered subject to

payments of substantial cost. In matters where the delay is substantially less, cost in the range of Rs.10,000/- has been awarded by this Court. It is noted earlier the entire compensation amount awarded by the Reference Court works out to Rs.20,124/-. Award of cost of Rs.15,000/- to Rs.20,000/- in such circumstances, will really be futile. The State, will have to pay such cost, perhaps, in order to convince this Court that meager enhancement of Rs.20,124/- (In its entirety) ought not to have been awarded to the respondent-claimants. The reasons referred to in order dated 06 February 2017 in Civil Application No.5080 of 2001 in First Appeal Stamp No.12511 of 1999 and connected matters are applicable to the situation of this nature. Accordingly, the Civil Application is dismissed. Consequently, the appeal also stands dismissed.

3. In view of the dismissal of the appeal, the Civil Application No.3739 of 2011 for stay also does not survive and the same is disposed of.

4. Since, the application and appeal is dismissed as aforesaid the rate awarded by the Reference Court has may not be approved by this Court.

(M. S. SONAK, J.)