

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3720 OF 2001
IN
FIRST APPEAL (STAMP) NO. 42877 OF 1998
AND
CIVIL APPLICATION NO. 3721 OF 2001
IN
FIRST APPEAL (STAMP) NO. 42877 OF 1998

The State of Maharashtra .. Applicant / Appellant
vs.
Shivaji N. Patil (Deceased)
through heirs
Rajaram S. Patil & Ors. .. Respondents

Mr. Yogesh Dabke – AGP for Applicant / Appellant.

CORAM : M. S. SONAK, J.
DATE : 14 MARCH 2017

P.C :

1] Mr. Dabke, learned AGP states that the service has now been completed on the respondents.

2] There is a delay of 667 days in instituting the appeal against the award dated 14 January 1991. The civil application for condonation of delay could not be taken up all this while, since, no proper steps were taken to serve the respondents. Now it is submitted that the respondents have been served.

3] The reason stated for this inordinate delay is far from convincing. In that application, the movements of files from one

officer to another has been stated and on this basis, it is submitted that the delay ought to be condoned. It is submitted that reasons for the delay were '*beyond the control of any particular individual*'. This means that no particular officer is prepared to take responsibility and all the officers together, urge that the reasons were '*beyond the control of any particular individual*'. This is hardly a satisfactory manner for explaining the delay. That apart, the entire compensation amount even after enhancement comes to Rs.7,000/-.

4] For the reasons, which are set out in **Order dated 6 February 2017 in Civil Application No. 5080 of 2001 in First Appeal (Stamp) No. 12511 of 1999 [The State of Maharashtra vs. Jagannath Sahebrao Wabale]**, this civil application for condonation of delay and consequently, the first appeal and civil application for stay is required to be dismissed.

(M. S. SONAK, J.)