

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3645 OF 2008
IN
REJECTED CASE NO. 2109 OF 2003
(FIRST APPEAL (STAMP) NO. 18634 OF 2002)

The State of Maharashtra	..	Appellant
vs.		
Mohan Suryaji Pawar	..	Respondent

WITH
CIVIL APPLICATION NO. 3646 OF 2008
IN
REJECTED CASE NO. 2156 OF 2003
(FIRST APPEAL (STAMP) NO. 18622 OF 2002)

The State of Maharashtra	..	Appellant
vs.		
Shivaji Lalasaheb Pawar	..	Respondent

WITH
CIVIL APPLICATION NO. 3647 OF 2008
IN
REJECTED CASE NO. 2162 OF 2003
(FIRST APPEAL (STAMP) NO. 18631 OF 2002)

The State of Maharashtra	..	Appellant
vs.		
Bhausahab Dagadu Doke	..	Respondent

Mr. Yogesh – Dabke for Applicant / Appellant.

CORAM : M. S. SONAK, J.
DATE: 10 JANUARY 2017

P.C :

1] In civil applications, it is stated that the Government Pleader by telegram dated 27 June 2002 informed the Special Land

Acquisition Officer that the Additional Registrar has granted eight weeks time to pay the deficit court fees, failing which the registration of above-mentioned First Appeals will stand automatically refused.

2] Thereafter, in the civil applications, it is stated that Acquiring Body deposited a common demand draft of Rs.1,03,800/- on 9 April 2008 with other connected matters in the Office of the Government Pleader, High Court. The civil applications then state that there is delay in payment of court fees for want of receipt of the amount from the Acquiring Body and that the applicant / appellant will refer to and rely upon the correspondence between the office of the Special Land Acquisition Officer and the Acquiring Body to explain the delay.

3] Apart from the aforesaid statements, there is no explanation for the inordinate delay of about six years in payment of the deficit court fees. No correspondence is either referred to or relied upon as between the office of the Special Land Acquisition Officer and the Acquiring Body to explain the delay. In any case, if the Acquiring Body, which is ultimately to pay the compensation takes six years only to furnish the court fees for institution of the appeals, then, this is nothing but negligence. On the ground of pendency of the appeals, it is possible that till date, the compensation has not been

paid to the land losers. There is no explanation whatsoever for the inordinate delay involved.

4] There are no proper steps being taken to effect service upon the respondents. These are the appeals of the year 2002, which are already stood dismissed by virtue of order dated 25 June 2002, since, within period of eight weeks, the deficit court fees were never paid.

5] No further indulgence can be granted to the applicant / appellant. There is no cause, much less any sufficient cause indicated for condonation of inordinate delay of over six years.

6] These civil applications are therefore dismissed. As a consequences, the first appeals also stand dismissed. Interim orders, if any, stand vacated.

(M. S. SONAK, J.)