

(a)	The published date of the judgment by the learned Principal District Judge, Pune	16 th March, 2016
(b)	The date of application for True Copy of Judgment	17 th March, 2016
(c)	The date of certified true copy delivered	28 th March, 2016
(d)	The date of opinion of the counsel	12 th April, 2016
(e)	The date for referring the case to the Ministry of Law and Justice (Legal Affairs), Mumbai for their opinion	30 th April, 2016
(f)	The date for giving advice by Ministry of Law and Justice (Legal Affairs), Mumbai for their opinion	16 th May, 2016
(g)	The date for referring the case to CWE(Army) Mumbai for filing appeal	23 rd May, 2016
(h)	The date for referring the case for appointment of the counsel	8 th August, 2016
(i)	The date for appointment of the counsel	8 th August, 2016
(j)	The date for filing appeal	3 rd Sept. 2016

3 Learned Counsel for the Applicant - UOI has relied on the following judgments:-

- (1) **Executive Officer, Antiyur Town Panchayat Vs G.Arumugam (Dead by Legal representatives¹**
- (2) **Indian Oil Corporation Ltd. & Ors. Vs Subrata Borah Chowlek Etc.²**
- (3) **Oil and Natural Gas Corporation Ltd. Vs M/s Jagson Intl. Ltd.³**

1 (2015) 3 Supreme Court Cases, 569

2 Civil Appeal Nos.9726-9727 of 2010 decided on 12th November, 2010 (New Delhi)

3 AIR 2005 Bombay 335.

4 Learned counsel for the Applicant-UOI submits that the delay in filing the Appeal be condoned as sufficient cause has been made out by the Applicant-UOI.

5 Learned counsel for Respondent No.1 invited attention of this Court to the affidavit in reply filed by Respondent No.1 to the Civil Application as well as affidavit in reply to the additional affidavit and submits that the Applicant – UOI has been totally negligent and there has been a delay of every stage as apparent from the chronology and the delay ought not to be condoned. Learned Counsel for Respondent No.1, in support of his contention has relied on the following judgments:-

- (i) **The State of West Bengal Vs The Administrator, Howrah Municipality & Ors.**⁴
- (ii) **P.K.Ramachandran Vs State of Kerala & Anr.**⁵
- (iii) **Balwant Singh (dead) Vs Jagdish Singh & Ors.**⁶
- (iv) **Lanka Venkateswarlu Vs State of Andhra Pradesh & Ors.**⁷
- (v) **Basawaraj & Anr. Vs Special Land Acquisition Officer**⁸

6 I have heard learned Counsel for parties and perusal of the judgments cited by the learned Counsel, in my view, the delay

4 (1972) 1 Supreme Court Cases, 366

5 (1997) 7 Supreme Court Cases, 556

6 (2010) 8 Supreme Court Cases, 685

7 (2011) 4 Supreme Court Cases, 363

8 (2013) 14 Supreme Court Cases 81.

deserves to be condoned subject to the costs. It is well settled that there can be no straight jacket formula in deciding whether sufficient cause is made out in filing an appeal and the same is to be decided on case to case basis. It is also well settled that the courts are required to adopt a justice oriented approach and should be liberal in condoning the delay, when the delay is unintentional and not malafide. In my view the delay of 84 days is not such, which ought not to be condoned. Hence, the following order.

ORDER

- (i) The Civil Application is allowed in terms of prayer clause
(a) subject to payment of costs of Rs.10,000/-, to be paid by the Applicant-UOI to Respondent No.1 within a period of four weeks from today. The payment of costs is the condition precedent.

The Civil Application is disposed of accordingly.

(A. A. SAYED, J.)