

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

**CIVIL APPLICATION NO.3168 OF 2008
IN
FIRST APPEAL (ST) NO.30194 OF 2006
WITH
CIVIL APPLICATION NO.3170 OF 2008
IN
FIRST APPEAL (ST) NO.30194 OF 2006**

The State of Maharashtra
(Through the Special Land
Acquisition Officer No.11, Pune & Anr. ..Applicants/Appellants
V/s.
Shankar Ramchandra Pawar & Ors. ..Respondents

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

Mr.Akash R. Kotecha i/by Mr.B. Deshmukh for Respondent Nos.1 to 3.

CORAM : M. S. SONAK, J.

DATE : 20 FEBRUARY 2017.

P.C.

1. Mr.Dabke learned AGP makes a statement that respondents have been duly served. He submits that the delay in institution of the appeal is 260 days and the reasons are set out in the Civil Application.

2. Mr.Akash Kotecha the learned counsel who appears for the respondent Nos.1 to 3 (Original Claimants) submits that there is no sufficient cause shown. He submits that routine reasons are set

out in the Civil Application and such reasons are not even verifiable. He submits that this is the matter relating to the year 2006 and for the last several years the respondents have been deprived the compensation which is due and payable to them. Accordingly, he submits that this is not a fit case for condonation of delay. The reasons for the delay have been set out in paragraphs 2 and 3. Mr.Akash Kotecha is right that these are the routine reasons. Nevertheless, in this case, the delay of 270 days. It is also a case of substantial and enhancement. The State to no doubt have been more diligent in the matter of this nature. However, the facts and circumstances are not such as warrant the dismissal of application of the condonation of delay. Rather, this is fit case where delay can be condoned subject of course, to the payment of cost of Rs.10,000/-. Accordingly, the Civil Application is allowed. The delay is condoned subject to the applicant paying respondent Nos.1,2, and 3 cost of Rs.10,000/-. Such cost should be either directly paid to the said respondents or deposited in this Court within a period of four weeks from today. The cost may be withdrawn by respondent Nos.1,2 and 3, in case cost are not deposited this Civil Application shall be deemed to have been dismissed without any further reference to this Court.

3. Place the matter for admission after four weeks in case, the amount of cost are paid or deposited. The Civil Application is disposed of.

(M. S. SONAK, J.)