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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 06th February 2018

+ **LA.APP. 307/2017**

SURESH KUMAR

..... Appellant

Through: Mr. J.K. Jain, Adv. (M-9811073458).

versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms. Dhanushti Pilav, Ms. Ashita Manoch & Ms. K. Gupta, Advocates (M-9717321855).

CORAM:

JUSTICE PRATHIBA M. SINGH

PRATHIBA M. SINGH, J (Oral)

CM APPL.38505/2017

1. This is an appeal under the Land Acquisition Act against the order dated 23rd March, 2007 by which the petition filed by the Appellant seeking compensation was dismissed.

2. Admittedly, the reference was filed by the Appellant on 13th August, 2004. The same was forwarded to the Reference Court on 30th July, 2005. Notices were directed to be issued. The initial notice was served on the Appellant's brother and since no one was appearing for the Appellant, the trial court issued another notice after framing of issues at the stage of evidence. The order dated 23rd March, 2007 passed by the trial court reads as under :-

"168/05

23.03.07

Present: None for the petitioner.

Sh. M.S. Diwan counsel for the UOI.

Sh. S.S. Mittal counsel for the DDA.

It is observed that petitioner was served but was

not appearing. In view of the same and in the interest of justice fresh court notice was issued to the petitioner on 30.10.06 calling upon him to lead evidence and the matter was adjourned to 27.11.06.

Petitioner was duly served through his brother but none appeared on 27.11.06. The petitioner has not been appearing even thereafter.

In view of the same the matter is proceeded further.

I have heard, Ld. counsel for the respondent. Put up for orders at 4:00 PM today.

ADJ:DELHI/23.03.07”

3. Despite the said notice being served, no one appeared for the Petitioner. Accordingly, the impugned judgment dated 23rd March 2007 came to be passed dismissing the reference.

4. The Appellant seeks condonation of delay of 3782 days. The application is completely cryptic and there is no explanation whatsoever for the delay in filing the appeal. Even before the Trial Court, the Appellant has been completely negligent in not prosecuting his case. There is no justification whatsoever to accept the submission of the Appellant that he was not on good terms with his brother and therefore, could not follow up the matter. Having filed for compensation, it was the appellant's duty to follow up the case and in any event, 10 years is too long a period.

5. No ground made out for condonation of delay. The application is dismissed.

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6. The appeal under Section 54 is also dismissed. No order as to costs.

PRATHIBA M. SINGH
Judge

FEBRUARY 06, 2018/ R