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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CIVIL APPLICATION NO.1123 OF 2007
IN FAST/1043/2007

THE STATE OF MAHARASHTRA
VERSUS
GOVIND SOPAN KALMUKALE AND ANOTHER

...

AGP for Applicant : Shri P.M. Kulkarni
Respondent nos.1 & 2 served.

CORAM: V.L. ACHLIYA, J.

DATE: 16.04.2019

PER COURT :

1] The applicant / appellant i.e. the acquiring body has moved this application seeking condonation of delay of 3059 days in filing appeal.

2] Heard learned AGP for the applicant. The respondent nos.1 & 2, though served, are absent.

3] In brief, it is the contention of learned AGP for the applicant that the delay caused in filing appeal was not deliberate, but had mainly occurred due to heavy work load in the office of the Government Pleader. In case delay is not condoned, there is every likelihood that a meritorious matter may be rejected for technical reasons.

It is submitted that the compensation awarded at the rate

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of Rs.8,000/- per Acre by the SLAO has been enhanced to Rs.32,000/- per Acre for Jirayat land and Rs.40,000/- per Acre for irrigated land. It is submitted that the enhancement is excessive and unjustified.

4] Considering the submissions advanced in the light of cause assigned for condonation of delay, I am of the view that no sufficient cause has been shown to condone the delay. There is delay of 3059 days in filing the appeal. The cause assigned for condonation of delay that due to heavy work load, appeal could not be filed within time, cannot be accepted as a sufficient cause to condone the delay of 3059 days. Out of 10 references decided by the Reference Court arising out of same acquisition, except the present case, all other awards are accepted and satisfied by the acquiring body. In that view, no serious prejudice would be caused if delay is not condoned. I am, therefore, not inclined to condone the delay. Accordingly, the application is rejected.

(V.L. ACHLIYA, J.)