

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**983 CIVIL APPLICATION NO.3776 OF 2017
IN FAST/8685/2017**

THE EX. ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD
AND ORS
VERSUS
GODAVARI SONA FASE (DIED) THR LRS PADMINIBAI EKNATH
VEER

...
Advocate for Applicants : Ms. Gangwal Madhubala B.
Advocate for Respondent : Mr. B.A. Dhengle & S.A. Dhengle
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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 2nd AUGUST, 2019.

ORDER :

. Present application has been filed by the acquiring body mainly for getting the delay of 1457 days condoned in filing first appeal.

2. The acquiring body intends to challenge the judgment and award passed by learned 4th Joint Civil Judge, Senior Division, Osmanabad in L.A.R. No.569 of 2010 dated 04.12.2012. It is stated that the certified copies were applied by the present acquiring body on 13.09.2013 and the copies were delivered on 01.10.2013. Thereafter, the legal opinion was sought and the acquiring body had allotted the matter to the present advocate representing the applicant to file the appeal. Thereafter, the present advocate

asked some documents for drafting and gave letter regarding Court fees and the expenses on 09.06.2014. Thereafter Demand Draft was received and then the Court fees received on 10.03.2017. It is stated that the certified copies were received on 14.03.2017. According to the acquiring body, the delay has occurred due to the time required for processing the papers, legal opinion, queries of lawyers, supplying of papers required etc.

3. Heard learned Advocate for applicant No.1 and learned advocate for respondent. In order to cut short, it can be said that both of them have submitted their arguments in support of their respective contentions.

4. It can be seen that the application has been drafted in a very casual manner. There is absolutely no explanation given by the acquiring body as to why certified copies were not applied immediately or within a reasonable time after the award was passed. The period between 04.12.2012 to 13.09.2013 is absolutely not explained. Further the tone of the application appears that it is delay condonation application by Advocate, rather than by a party. The reasons those have been mentioned are in respect of difficulties or obstacles for drafting the application to the advocate and therefore, it cannot be said to be a reasonable ground for the

acquiring body. When the delay which is of 1457 days is admittedly inordinate and huge and it has been tried to be explained in a small paragraph, it cannot be said to be a reasonable, much less sufficient ground to condone the delay.

5. It has been also submitted by the learned Advocate for the respondent that the entire amount of compensation was deposited by the acquiring body and it has been withdrawn by the claimant. Under such circumstance, the application stands rejected.

(Smt. Vibha Kankanwadi, J.)

Shubham/