

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.922 OF 2016
IN
FIRST APPEAL (ST) NO.2386 OF 2011

The State of Maharashtra and Ors.	.. Applicants
Versus	
Narayan Maruti Pophale	.. Respondent

Mrs. Tanaya Goswami, AGP for applicant/State.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1. Heard learned AGP for applicant.
2. By this Civil Application, applicant-State is seeking condonation of 4 years 192 days delay in filing First Appeal challenging the judgment and award dated 12.04.2006 passed by the Reference Court in Land Acquisition Reference No. 18 of 2003 (Old No.12 of 2003).
3. Learned AGP submits that in the present proceedings as soon as the impugned order passed by the trial Court on 12.04.2016, the learned AGP, who appeared before the trial Court immediately forwarded the opinion to the Law and Judiciary

Department on 15.06.2006. Thereafter, he applied for certified copies of judgment and award on 14.07.2006. Same was ready for delivery on 05.10.2006. He submits that Solicitor (M.L.)-cum-Joint Secretary to Government of Maharashtra, Law and Judiciary Department took decision on 24.08.2006 to file First Appeal before this Court. She submits that they have good chance of success in the present proceedings. She submits that if the delay is not condoned, irreparable loss will cause to them.

4. I heard learned AGP at length. It is to be noted that the main reason given by the applicant, for condonation of delay of more than 4 years is procedure to take decision on several steps for filing the First Appeal. Paragraph 4 of the Civil Application in which the delay is explained which reads thus :-

“4. The Applicants state that the delay in preparing the present Appeal is due to the procedural steps required for sanction of authority for filing the First Appeal. The said delay is unintentional and beyond the control of the Applicants. The present Appeal involves the issue of public money, a financial loss will be caused to the State if the delay is not condone, however, No prejudice will be caused to the Claimant/Respondents.”

5. Bare reading of the Civil Application shows that, applicant has filed Civil Application in casual manner. They have not explained delay. In any case, inordinate delay on the part of

the applicant to file the present First Appeal.

6. Apart from that, the Reference Court has awarded only Rs.30,064/- as additional compensation to the respondent/claimant for acquiring their land. Considering these facts, I do not find any reason to entertain the present Civil Application.

7. Hence, Civil Application stands rejected.

(K. K. TATED, J.)