

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1032/2017
in
First Appeal (ST) No.13892/2011

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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None for the parties.

CORAM : K.K.TATED, J.
DATED : JULY 31, 2019

P.C.

1 Today the matter is placed on board for speaking to the minutes of order dated 22.07.2019.

2 In cause title, instead of First Appeal (ST) No.11794/2015 it should be First Appeal (ST) No.13892/2011.

3 Order dated 22.07.2019 stands corrected accordingly.

4 Rest of the order shall remain as it is. Corrected order dated 22.07.2019 reads thus:

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

**CIVIL APPLICATION NO.1032 OF 2017
WITH
FIRST APPEAL (ST.) No.13892/2011**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Tanaya Goswami, A.G.P. for the applicant

**CORAM : K. K. TATED, J
DATE : JULY 22, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking condonation of 4 years 310 days delay in filing First Appeal challenging the judgment and award dated 1.3.2006 passed by Civil Judge, Senior Division, Barshi, Dist. Solapur in L.A.R.No.619 of 2002.

3 The learned counsel for the Applicant submits that before filing First Appeal they have to take approval from several departments. Hence, there is a delay in filing First Appeal before this court. She submits that they have good chance of

success in the present proceedings. She submits that in the interest of Justice, this Hon'ble Court be pleased to condone the delay in filing First Appeal and matter be heard on its own merits.

4 It is to be noted that in the present proceedings, Special Land Acquisition Officer issued notification under section 4 of the Land Acquisition Act for acquiring Respondent original Claimants land bearing Gut No.45 and 1080 admeasuring 16R from village Bavi (Agalwe), Taluka Barshi, District Solapur for the purpose of Pimpalgaon Dhale Medium Project. After following due process of law, Special Land Acquisition Officer declared award under section 11 of the said Act and awarded compensation of Rs.14,582/- to the Respondent original Claimant.

5 Being aggrieved by the said award, Respondent original Claimant preferred reference under section 18 of the said Act and claimed compensation of Rs.50,000/-. Reference Court without considering the evidence on record held that Respondent original Claimant is entitled additional compensation towards the land Rs.4,439/-, 30% solatium along with 12%

component.

6 It is to be noted that in the present proceedings, additional compensation awarded to Respondent - Claimant is only Rs.4,439/- whereas there is a delay of more than 4 years.

7 Considering the submissions made by the learned A.G.P. for the Applicant, the averments made in the Application and as amount involved in the present First Appeal is meagre, I do not find any reason to entertain the present Civil Application. Hence, following order:

- a. Civil Application stands rejected.
- b In view thereof, nothing survives in First Appeal. Same stand dismissed as infructuous.

(K.K.TATED, J.)