

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3693/2015

with

First Appeal (ST) No.2062/2011

with

Civil Application No.369/2015

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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Mrs. Tanaya Goswami, AGP for the Applicant

CORAM: K.K.TATED, J.

DATED : AUGUST 13, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking condonation of 255 days delay in filing the First Appeal challenging the judgment and award dated 26.10.2009 passed by the Civil Judge, Senior Division, Dist. Solapur in LAR No.418/2002 holding that the Respondent-Claimant is entitled to additional compensation of Rs.20,250/- only.

2 The learned AGP submits that the Applicant has good chance of success in the matter. She submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the

First Appeal. She submits that if delay is not condoned irreparable loss will be caused to them.

3 In the present proceedings the SLAO issued Notification u/s.4 of the Land Acquisition Act, 1894 for acquiring the Respondent - Claimant's land admeasuring 0.54 Rs from Gut No.394 situated at Village Borgaon, Tq. Barshi, Dist. Solapur for Pimpalgaon Dhale Medium Project.

4 After following due process of law, the SLAO declared the award and awarded sum of Rs.38,489/- to the Respondent-Claimant. Being aggrieved by the said award the Respondent claimant preferred Reference u/s.18 of the said Act and claimed compensation of Rs.1 lacs. The Reference Court, considering the judgment in earlier LARs, held that the claimants are entitled to additional compensation of Rs.20,250/- only.

5 The apex court in the matter of ***Airports Authority of India Vs. Satyagopal Roy & Ors. (2002) 3 SCC 527*** refused to interfere with the award on the ground that the compensation

awarded was meager. Paragraph 15 and 16 of the said authority reads thus:

“15. However, it is true that this Court in State of Madras V. Rev. Brother Joseph [AIR 1973 SC 2463] refused to interfere with the award on the ground that the compensation awarded was meager. Similarly, in Special Land Acquisition Officer, Malaprabha Dam Project, Saundatti and Others V. Madivalappa Baslingappa Melavanki and others [(1995) 5 SCC 670], this Court refused to interfere where compensation was determined on the basis of annual yield of agricultural land by application of 15 years' multiplier on the ground that the small area of land was acquired and approved the order of the High Court in which it was observed that "it is hardly appropriate to interfere with the award notwithstanding the discernible blemish pointed out by the learned Government Pleader" and also held thus:

"However, it would not operate as a precedent to any future case or other cases arising from the same notification. All cases need to be decided applying only 10 years' multiplier."

16 In the present case also, considering the small amount of compensation awarded to the claimants, we do not think that this would be a fit case for interference in this appeal. Hence, the appeal is dismissed with no order as to costs."

6 In view of the above mentioned facts and as the Reference Court has granted

additional compensation of Rs.20,250/- which is a very meager amount, I do not find any reason to entertain the present Civil Application.

7 Hence, following order is passed:

- a. The Civil Application stands dismissed.
- b. In view thereof, the First Appeal as well as the Civil Application for stay of the impugned judgment and award stands dismissed as infructuous.
- c. No order as to costs.

(K.K.TATED, J.)