

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2669/2018

IN

FIRST APPEAL (ST) NO.22589/2017

Shankar Chandar Bhagat & Ors. ... Applicants

V/s.

Special Land Acquisition Officer ... Respondent

Mr. S. M. Kamble for the Applicants

CORAM: K.K. TATED, J.

DATED : MARCH 13, 2019

P.C. :

1 Heard. By this Civil Application, the Applicant seeks to condone the delay of 20 years, 11 months and 4 days in filing the First Appeal challenging the judgment and award dated 30.09.1996 passed by the Civil Judge, Senior Division Panvel in LAR No.125/1992 (Old NO.435/1989).

2 The learned counsel for the Applicant submits that as soon as they learnt about the order passed by the Reference Court they filed the First Appeal. In support of his contention he relies on paragraph 3 of the Civil Application.

3 The learned counsel for the Applicant submits that in the interest of justice this Hon'ble Court be pleased to condone the delay in filing the First Appeal and matter be heard on merits. He further submits that if delay is not condoned, irreparable loss will

be caused to the Applicant. He further submits that the Applicant has good chance of success in the matter on the basis of the decision given by the Assistant Collector, Panvel in RTS No.3/87 u/s.247 of the Maharashtra Land Revenue Code against the Municipal Entry No.702.

4 It is to be noted that bare reading of paragraph 3 of the Civil Application shows that, the Applicant has not shown sufficient cause for condonation of delay. Nowhere, it is stated by the Applicant in the Civil Application that the impugned order was passed without notice to them.

5 Considering these facts, I do not find any reason to condone the inordinate delay of 20 years in filing the First Appeal.

6 Hence, the following order is passed:

- a. The Civil Application stands rejected.
- b. In view thereof, the First Appeal stands dismissed as infructuous.
- c. In view of dismissal of the First Appeal, the Civil Application No.2671/2018 for stay does not survive. Hence, same stands dismissed as infructuous.

(K. K. TATED, J.)