

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3701/2014
with
First Appeal (ST) No.33679/2013
with
Civil Application No.1311/2015

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr.Nikhil Mehta i/b .KMC Legal Venture
for the Applicant.

CORAM: K.K.TATED, J.
DATED : AUGUST 19, 2019

P.C.

1 Heard. This Application is for condonation of 625 days delay in preferring the appeal challenging the judgment and award dated 08.09.2011 passed by the MACT, Kalyan in MACP No.185/2003.

2 The learned counsel for the Applicant submits that immediately after the impugned judgment and award was passed, they applied for certified copy. Thereafter considering the judgment in MACP No.104/2008 they decided to file the First Appeal in the present proceedings. Hence, they called the opinion from the concerned Advocate. On getting the information /

opinion the matter was forwarded from one Department to other for approval. In support of his contention, the learned counsel for the Applicant relies on para 4 to 8 of the Civil Application. On the basis of this submission, the learned counsel for the Applicant submits that they have good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased to condone the delay in filing the First Appeal. He submits that if delay is not condoned, irreparable loss will be caused to them.

3 The learned counsel for the Applicant submits that the sum of Rs.25000/- deposited by them at the time of filing the First Appeal be transferred to the Tribunal.

4 Bare reading of the Civil Application shows that the matter moved from one Department to other for approval. Therefore, there is delay of about 625 days in filing the First Appeal.

5 This Court in the matter of **Special Land Acquisition Officer & Anr. Vs Jose Prezares De Piedade Pinto,**

2006(2) Bom.C.R 773 held that delay caused due to movement of file from one table to another cannot be a cause for condonation of delay

6 Considering the reasons disclosed by the Applicant in the Civil Application and the law declared by this Court, I do not find any reason to entertain the Civil Application.

7 Hence, following order is passed:

- a. The Civil Application stands rejected.
- b. In view thereof, registration of the First Appeal stands rejected.
- c. Consequently the Civil Application No.1311/2015 for stay stands rejected as infructuous.
- d. Refund of Court Fees as per the Rules.
- e. The amount of Rs.25000/- deposited by the Applicant at the time of filing the First Appeal be transferred along with accrued interest, if any, to the MACT, Kalyan in the account of MACP No.185/2003.

(K.K.TATED, J.)