

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 11063 OF 2019
IN
FIRST APPEAL STAMP NO. 26517 OF 2018**

The Godavari Marathwada Irrigation
Development Corporation ... Applicant
Versus
Bharat Pandurang Sherkar and others ... Respondents

....
Mr. H. T. Gaikwad, Advocate for applicant
Mr. A. B. Chate, AGP for respondent Nos. 2 and 3
....

**CORAM : Y. G. KHOBRADE, J.
DATED : 17th NOVEMBER, 2022**

PER COURT :-

. Heard learned counsel for the applicant – Acquiring Body and the learned AGP for respondent Nos. 2 and 3 at length. None for the respondent No.1.

2. The applicant – Acquiring Body has filed the present application under Section 5 of the Limitation Act and prayed for condonation of delay of 1300 days caused in filing appeal on the ground that on 10.11.2014, the learned trial Court passed the judgment and award in L.A.R. No. 532 of 2008. Thereafter, the

counsel of the applicant – Acquiring Body was informed to obtain certified copy of the judgment and award passed by the learned Reference Court and the counsel of applicant obtained certified copy of the judgment and award. Thereafter, the applicant sought legal advice from its counsel for filing appeal. Thereafter, the applicant – Acquiring Body issued letter to the legal department and sought opinion regarding preparation of appeal and in the meanwhile the officer of the applicant filed application before the superior officer and requested for advice. Thereafter, the superior officer of the applicant – Acquiring Body informed the applicant about preferring of appeal. Thereafter, the applicant – Acquiring Body appointed the panel counsel for preferring appeal and approached on 08.09.2017. Thereafter, the panel counsel of the applicant preferred appeal and directed the applicant to arrange fund for required Court fees. Thereafter, the proposal for payment of Court fees was submitted and after receiving the Court fees fund, appeal came to be filed, for which, 1300 days caused. However, the applicant – Acquiring Body has not given any detail about dates for submitting proposal in respect of preferring appeal and seeking for legal advice from the legal department as well as legal opinion from its panel counsel.

3. Though the applicant applicant – Acquiring Body contended that the authorised person of applicant had approached with the panel counsel on 08.09.2017, however, on face of record, it appears that the applicant presented the present application along with appeal on 31.08.2018. Nonetheless the grounds set out in the application does not appear *bona-fide* and proper explanation. Therefore, my judicial conscious does not permit to condone inordinate delay of 1300 days caused in filing appeal.

4. In view of above discussions, I am not inclined to grant present application and proceed to pass following order.

5. Civil application is hereby rejected.

[Y. G. KHOBRADE, J.]

SMS