

Niti

**IN THE HIGH COURT OF BOMBAY AT GOA
MISC. CIVIL APPLICATION NO.20 OF 2021
IN
STAMP NUMBER (MAIN) NO.2424 OF 2019
AND
MISC. CIVIL APPLICATION NO.21 OF 2021
IN
STAMP NUMBER (MAIN) NO.2425 OF 2019
MISC. CIVIL APPLICATION NO.20 OF 2021
IN
STAMP NUMBER (MAIN) NO.2424 OF 2019**

DEPUTY COLLECTOR (L.A.)
AND L.A.O., PANAJI & ANR. APPLICANTS

Versus

DOMINGOS JOSE
CRIASANTO FERNANDES RESPONDENTS
(DEC) THR. HIS LRS.

**AND
MISC. CIVIL APPLICATION NO.21 OF 2021
IN
STAMP NUMBER (MAIN) NO.2425 OF 2019**

DEPUTY COLLECTOR (L.A.)
AND L.A.O., PANAJI & ANR. APPLICANTS

Versus

JOAQUIM FRANCIS
FERNANDES (DEC) THR.
HIS LRS., AND 5 ORS. RESPONDENTS

**Ms. S. Pinto, Advocate holding for Ms. Priyanka Kamat,
Additional Government Advocate *for the Applicants.***

Mr. J.A. Lobo, Advocate *for the Respondents in Misc. Civil Application No.20 of 2021.*

Ms. Sampada Poll, Advocate *for Respondent Nos.1(b) to 1(i), 2(a) to 2(f), 3, 4 & 5 in Misc. Civil Application No.21 of 2021.*

CORAM : M. S. SONAK, J.

DATE : 10th JUNE 2022

P.C. :

1. Heard Ms. S. Pinto for the applicants in both these applications. Mr. J.A. Lobo for the respondents in Misc. Civil Application No.20/2021 and Ms. Sampada Poll for the respondents in Misc. Civil Application No.21/2021.

2. Both these Misc. Civil Applications seek condonation of delay of 86 days in instituting the Civil Revision Applications.

3. Ms. S. Pinto points out that after the impugned order dated 07.01.2019 was made a review was applied. She points out that there was some issue of certified copy and, thereafter, the matter had to move to various officers to seek opinion and approvals for instituting these revision petitions. She points out that the issues in both these matters concern calculations of compensation and some time was spent for that purpose as well. She submits that

there are no malafides involved and sufficient cause has been shown.

4. Mr. Lobo and Ms. Sampada Poll pointed out that the applicants have delayed payment of compensation for the lands which they have acquired. They pointed out that calculations were accepted by the State and based thereon the execution proceedings were also disposed of. They pointed out that an application was made by them to make an consolidated order and taking the advantage of such consolidated order the State has raised fresh set of objections only to delay the payment of compensation amount. They submit that in these circumstances the delay in instituting the revision application may not be condoned.

5. The objections now raised by Mr. Lobo and Ms. Poll, if correct, may perhaps have some relevance at the stage of considering whether the civil misc. applications instituted by the State ought to be considered or not. However, at this stage, the issue is whether delay of 86 days in instituting these revision petitions should be condoned or not.

6. For the delay of 86 days sufficient explanation has been offered in paragraph 3 of each of these applications. No doubt,

by condoning the delay some prejudice is bound to occasion to the respondents but such prejudice can as well be compensated by awarding costs. Since sufficient cause is made out the delay is liable to be condoned but subject to payment of costs.

7. Accordingly, both these applications are allowed and the delay of 86 days in instituting the revision applications is condoned subject to payment of costs of ₹7,500/- in each of the applications. Such costs will have to be paid within 10 days from today.

8. If the costs are not paid or deposited in this Court within 10 days from today, then these applications deem to have been dismissed without further reference to this Court. If the applications are dismissed, then as a consequence even the Civil Revision Applications will stand dismissed and the ad interim order granted therein will stand vacated.

9. If the costs are indeed paid or deposited then the matter to be posted for admission on 27.06.2022.

10. If the costs are deposited in this Court then the learned Counsel for the respondents are at liberty to withdraw the same.

11. Misc. Civil Applications are disposed of in the above terms.
12. At the request of Ms. Pinto, the authenticated copy to be granted to her so that costs can indeed be deposited within 10 days from today.

M. S. SONAK, J.

NITI K
HALDANKAR



Digitally signed by NITI K
HALDANKAR
Date: 2022.06.10 16:31:24
+05'30'