

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**Civil Application No. 787 OF 2009
IN
First Appeal(ST) No. 12373 OF 2004**

The State Of Maharashtra And Anr. ...Petitioner(s)
Versus
Dnyandeo Chimanrao Paul And Ors. ...Respondent(s)

**WITH
Civil Application No. 788 OF 2009
IN
First Appeal(ST) No. 12373 OF 2004**

The State Of Maharashtra And Anr. ...Petitioner(s)
Versus
Dnyandeo Chimarao Paul And Ors. ...Respondent(s)
Govt.pleader

**WITH
Civil Application No. 789 OF 2009
IN
First Appeal(ST) No. 12382 OF 2004**

The State Of Maharashtra And Anr. ...Petitioner(s)
Versus
Tukaram Ranu Pawar ...Respondent(s)

**WITH
Civil Application No. 790 OF 2009
IN
First Appeal(ST) No. 12382 OF 2004**

The State Of Maharashtra And Anr. ...Petitioner(s)
Versus
Tukaram Ranu Pawar ...Respondent(s)

**WITH
Civil Application No. 791 OF 2009
IN**

First Appeal(ST) No. 12394 OF 2004

The State Of Maharashtra And Anr. ...Petitioner(s)
Versus
Tatya Ranu Pawar ...Respondent(s)

WITH
Civil Application No. 792 OF 2009
IN
First Appeal(ST) No. 12394 OF 2004

The State Of Maharashtra And Anr. ...Petitioner(s)
Versus
Tatya Ranu Pawar ...Respondent(s)

...

Mr. N.B. Patil, AGP for the Appellant -State.
Mr. Y.G. Thorat with Ms Mallika R. Pujari h/f Mr. Ashok Tajane for
Respondent No.1.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 14th JULY, 2022.

P. C. :-

1. The Applicant-State has filed these applications to condone the delay of 2 years 322 days in filing appeals under Section 54 of the Land Acquisition Act, 1894. Learned AGP states that the reasons for the delay have been specified in paragraph Nos.2 and 3 of the application and that the same constitute sufficient cause.

2. Heard learned AGP for the State and learned counsel for the Respondent. I have perused the records and considered the

submissions advanced by the learned counsel for the respective parties.

3. The short point falling for my consideration is whether the Applicant has made out sufficient cause to condone the inordinate delay of 2 years 322 days in filing the appeals.

4. The principles regarding condonation of delay are well settled. In *University of Delhi vs. Union of India and Others (2020) 13 SCC 745* the Hon'ble Supreme Court after considering the decisions in *Collector, Land Acquisition, Anant Nag and Anr. Vs. Katiji and Ors. 1987, (2) SCC 107*, *M/s. Dehri Rohtas Light Railway Company Ltd. vs. District Board, Bhojpur and Ors. (1992) 2 SCC 598* and *Post Master General and Ors. vs. Living Media India Limited and Anr. 1992(3) SCC 563*, has held thus:-

“20. From a consideration of the view taken by this Court through the decisions cited supra the position is clear that, by and large, a liberal approach is to be taken in the matter of condonation of delay. The consideration for condonation of delay would not depend on the status of the party namely the Government or the public bodies so as to apply a different yardstick but the ultimate consideration should be to render even handed justice to the parties. Even in such case the condonation of long delay should not be automatic since the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. In that background while considering condonation of delay, the routine explanation

would not be enough but it should be in the nature of indicating “sufficient cause” to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the Courts based on the fact situation. In the case of Katiji (Supra) the entire conspectus relating to condonation of delay has been kept in focus. However, what cannot also be lost sight is that the consideration therein was in the background of dismissal of the application seeking condonation of delay in a case where there was delay of four days pitted against the consideration that was required to be made on merits regarding the upward revision of compensation amounting to 800 per cent.”

5. *Reliance is also placed on the decision of Majji Sanemma @ Sanyasirao Vs. Reddy Sridevi and Ors. 2022 (2) Mah.L.J. 9* wherein the Hon’ble Supreme Court has reiterated the principles laid down in the previous decisions that in the absence of reasonable, satisfactory or appropriate explanation, the delay is not to be condoned lightly. The expression ‘sufficient cause’ cannot be liberally interpreted if negligence, inaction or lack of bonafides is attributed to the party and that the Courts cannot enquire into belated and stale claims on the ground of equity.

6. Perusal of the records reveals that the impugned judgment was passed on 11/12/2000. The District Government Pleader applied for certified copy on 15/01/2001 and forwarded the report under Rule

35(2) of the Law Officers Rules, 1984 to the Remembrancer of Legal Affairs, Law and Judiciary Department, Mantralaya on 24/01/2001, which was received on 30/01/2001. The certified copy was ready for delivery on 14/03/2001. The Law and Judiciary Department issued resolution for filing the first appeals on 19/12/2001 i.e. almost after a period of 11 months from the date of receipt of report from the District Government Pleader, Solapur. The Applicant states that the copy of the certified copy of the impugned judgment and Award was received from the District Government Pleader, Solapur on 13/02/2004. The matter was assigned to Assistant Government Pleader for drafting on 26/02/2004 and the appeal along with delay condonation application came to be filed on 29/03/2004.

7. The records indicate that the Government Pleader had forwarded the report to the Remembrancer of Legal Affairs within 15 days from the date of the judgment. The resolution was received from the Law and Judiciary Department more than 11 months after receipt of the report from the District Government Pleader. No reasons have been assigned for the delay in forwarding the resolution. The application reveals that the certified copy of the judgment and Award was ready for delivery on 14/03/2001. The certified copy was

forwarded to the office of the Government Pleader, High Court (A.S.), Mumbai on 13/02/2004. There is absolutely no explanation for the delay of over two years in forwarding the certified copy. The records reveal that the delay was caused due to casual and callous approach of the Department. The reasons stated in the applications reflect total negligent, careless and callous approach, which certainly cannot be construed as sufficient cause.

8. Under the circumstances, the applications are dismissed. Consequently, registrations of the appeals are rejected.

9. Pending application (s), if any, stand (s) disposed of.

10. Leave granted to the Respondents-original Claimants to withdraw the compensation deposited by the State along with the accrued interest as per the impugned Judgments and Awards.

(SMT. ANUJA PRABHUDESSAI, J.)