

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

**CIVIL APPLICATION NO. 424 OF 2017  
IN  
FIRST APPEAL (ST) NO. 9692 OF 2001**

The State of Maharashtra

...Applicant

Versus

Kashinath Deoram Sonawane

...Respondent

Ms. Pallavi Dabholkar, AGP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.  
DATED : 10<sup>th</sup> JUNE, 2022.**

**PC:-**

1. By this application, the Applicant has sought to condone the delay of 163 days in challenging the judgment and Award dated 30.08.2000, passed by the Reference Court in Land Reference No. 178 of 1991.
2. Heard learned Counsel for the Applicant. The records reveal that by judgment dated 30.08.2000 the Reference Court allowed the reference under Section 18 and directed the Applicant herein to pay to the Respondent, compensation of Rs.26,,657/- . Learned Counsel for the Applicant states that she is not aware whether the amount has been deposited or not.
3. Records reveal that the appeal was filed in the year 2001, whereas the Application for condonation of delay was filed in the year 2017. The records

further reveal that since the year 2017 several opportunities have been given to the Applicant to serve the Respondent. By order dated 28.2.2017 the Applicant State was permitted to effect private service upon the Respondent and thereafter to file affidavit of service before the returnable date. No such steps were taken and this Court by order dated 30.8.2019, once again directed the Applicant to take steps to serve the Respondent by private service and to comply with the order dated 20.02.2017.

3. The records reveal that the Applicant has not taken steps to serve the respondent by private service. No affidavit to that effect has been filed. As a consequence thereof the appeal which was filed in the year 2001 is not yet registered in view of pendency of the delay condonation application.

4. Considering the above facts and circumstances, the application is dismissed for non prosecution.

**(SMT. ANUJA PRABHUDESSAI, J.)**