

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

CIVIL APPLICATION NO. 317 OF 2021
IN
FIRST APPEAL (ST) NO. 29393 of 2006
WITH
CIVIL APPLICATION NO. 318 OF 2021
IN
FIRST APPEAL (ST) NO. 29393 of 2006

The State of Maharashtra ..Applicant

v/s.

Shri Nagnath Ramkrishna Tale ..Respondent

Ms. Tanaya Goswami AGP for the State.

Mr. H.D.Chavan i/b. T.D.Deshmukh for the Respondent No.1.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 16th JUNE, 2022.**

P.C.

1. By this Application, the Applicant has sought to condone the delay of 5 years and 346 days in challenging the Judgment and Award dated 26.9.2000 passed by the Reference Court in Land Reference No. 551 of 1988 under Section 18 of the Land Acquisition Act.

2. By the impugned judgment, the Reference Court has directed the Applicant-State to pay to the Respondent- Original Claimant sum of Rs.59,540/- towards additional compensation, Rs.17862/ towards 30% solatium in addition to the statutory interest. The total amount payable is Rs.98758/-.

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3. Learned AGP is unable to state whether the Applicant has deposited or paid the compensation.
4. The delay is sought to be condoned on the ground that the papers were misplaced. The application reveals that resolution for filing the appeal was taken almost one year from the date of the order, and that the District Government Pleader had applied for certified copy in the year 2006 i.e. more than after 5 years thereafter. The grounds stated in the application do not constitute sufficient grounds. Hence the Application is dismissed.
5. Consequently, the Appeal and the Civil Application, if any, stand rejected.
6. In the event the amount is not deposited, the same shall be deposited before the Reference Court within four weeks, failing which the Respondent- Claimant is at liberty to file application for execution.

(ANUJA PRABHUDESSAI, J.)