

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2585 OF 2021
IN
FIRST APPEAL STAMP NO.92401 OF 2020

Executive Engineer, Nandur Madhyameshwar
Project, Division Nashik : Applicant
Vs.
Dashrath Shankar Shirsat : Respondents

WITH
INTERIM APPLICATION STAMP NO.92395 OF 2020
IN
FIRST APPEAL STAMP NO.92392 OF 2020

Executive Engineer, Nandur Madhyameshwar
Project, Division Nashik : Applicant
Vs.
Bhausahab Shankar Shirsat : Respondent

WITH
INTERIM APPLICATION NO.896 OF 2024
IN
FIRST APPEAL STAMP NO.92406 OF 2020

Executive Engineer, Nandur Madhyameshwar
Project, Division Nashik : Applicant
Vs.
Shivaji Laxman Shirsat & Ors. : Respondents

Adv. Chaitrali Deshmukh for the Appellant/Applicant.
Adv. Sachin Gite for the Respondents.
Mr. A. R. Patil, AGP for the State.

CORAM : KISHORE C. SANT, J.
DATE : 1st FEBRUARY, 2024

PC. :

1. All these Applications are filed seeking condonation of delay caused in filing First Appeals. The Appeals are sought to be filed challenging the judgment and award dated 7th August, 2017, passed by the learned Civil Judge, Senior Division, Nashik in respective Land Acquisition References. The delay stated is of 2 years 296 days, 3 years 86 days & 3 years 86 days. The reason assigned is that the Applicant has to seek opinion from the government pleader's office and other panel of advocates. There after sanction/approval from the authorities is required, a chart is given stating the dates and events. Learned Advocate submits that, thus there is sufficient cause shown for condonation of delay.

2. Learned Advocate for the Respondents vehemently opposes the Applications pointing out order passed by this Court dated 24th September, 2019 passed in Interim Application No.1 of 2019 in First Appeal (Stamp) No.256 of 2019. He submits that the facts stated in the present Application were also the facts in the said Interim Application. This Court noted all the facts in details and dismissed the Application for condonation of delay, by considering the judgment in the case of office of the ***Chief Post Master General and Others Vs. Living Media India Limited and Another***, reported in AIR 2012 SC 1506. Another judgment is also

considered in the case of *Basvraj and Another Vs. The Special Land Acquisition Officer*, reported in AIR 2014 SC 746. He further submits that, the order dated 24th September, 2019 was passed in respect of the First Appeal arising out of the same award for the same project.

3. This Court finds that there is Court had already taken view and had dismissed the Applications for condonation of delay, wherein the similar grounds were stated it would not be proper to allow the present Application. Hence the following order.

ORDER

- a) Applications stand dismissed.
- b) No order as to costs.

(KISHORE C. SANT, J.)