



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 2489 OF 2014 (for delay)
IN FAST/3990/2014**

The State Of Maharashtra And Another
VERSUS
Ramesh Shankarrao Sakhare

WITH
**CIVIL APPLICATION NO. 2490 OF 2014 (for stay)
IN FAST/3990/2014**

Mr.S.S.Dande, AGP for acquiring body
Ms.L.R.Thakur, Advocate h/f. Mr.L.C.Patil, Advocate for respondent

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 06, 2025

ORDER :-

Feeling aggrieved by the judgment and award dated 21.04.2011, passed by learned Civil Judge, Senior Division, Omerga, in L.A.R. No.166/2008 (Old No.75/2002), the acquiring body has filed present First Appeal. There is delay of 887 day in filing the appeal. Hence, present application is filed for condonation of delay.

2. The applicants/appellants submit that they are public/Government body and there are various processes in filing an appeal in the court. That, the administrative exigency in obtaining various approvals as also requisite funds/court fees consumes much

time, which results into such delay. The applicant further submits that the delay caused in filing the appeal is neither deliberate nor willful nor outcome of any lethargy on the part of any authority. That, valuable interest/right of the applicant/appellant are involved in the matter. The applicant/appellant is the custodian of the funds. It is further submitted that for the reasons stated above, the applicant seeks condonation of delay with a prayer to adjudicate the appeal on its merits.

3. Per contra, the respondent, vehemently, opposes the application and submits that this is an attempt to harass the respondents. The respondents further submits that for the lapses and latches of the applicants/appellants, the respondents must not suffer. With this, the respondents seek rejection of the application.

4. Upon having heard both the parties, I am of the considered view that the administrative exigencies as explained by the applicant generally do result in delay in filing the First Appeals. Its apparent that the delay caused in filing present appeal is a big enough requiring the Court to apply judicious mind cautiously to use the discretion to condone the delay. The parameters to use such discretion are set by various verdicts of the Honorable Supreme Court as also by this Court in various cases.

5. A profitable reference can be made to the Judgment & Order passed by the Honorable Supreme Court in the case of **Sheo Raj Singh (Deceased through LRs.) & Ors. V/s Union of India and ors. [Civil Appeal No.5867 of 2015 dtd.09-10-2023]**. Honorable Supreme Court was dealing with an Appeal wherein High Court's order condoning delay of 479 days caused in filing a First Appeal by the Government against a Judgment & Award passed in Land Acquisition Reference was under challenge. Considering the overall law prevailing in the field of 'condonation of delay in appeals filed by the Government bodies and Authorities', the Honorable Supreme Court approved the view adopted by the High Court to condone the delay.

6. In the present case firstly , the object in challenging the impugned Judgment & Award is averred not only to save the public funds, but to object unjust and irrational consideration rendered by the Ld. Trial Court excepting the concept of 'Just & Fair Compensation'. Secondly, if the appeal is heard on its own merit it would lead to substantial justice. For the delayed period , the charge of interest on the award amount is also running. As such the interest of the claimants is protected enough. Rather if the delay is not

condoned, it would result into miscarriage of justice. In the present case, the Appellant has even deposited substantial portion of the Award in the Court which is even withdrawn by the claimant side. Thirdly, the applicant/Appellant has sufficiently and properly explained the delay although not day-to-day. In my considered opinion, present case is squarely covered by the law laid down in “**Sheo Raj** case” (Supra) wherein its held that, length of delay is not decisive in such cases where delay is properly explained.

7. For the reasons stated above, I am of the pragmatic view that by using the judicial discretion, delay in filing present First Appeal deserves to be condoned.

8. Hence I pass following order:-

(i) The delay of 887 days in filing the First Appeal stands condoned. The application stands allowed.

(ii) The Registry to register the appeal, subject to removal of the office objections, if any, by the applicants/appellants. On registration, issue notice to the respondents. Ms.Thakur, learned counsel holding for Mr.L.C.Patil, learned counsel, waives notice for the respondents.

(iii) In the meantime, applicants/appellants shall take recourse to Chapter II of the Bombay High Court Appellate Side Rules, 1960, corresponding to the position of the matter.

(iv) Call Record and Proceedings.

[AJIT B. KADETHANKAR, J.]

KBP