

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3250 OF 2019

IN

FIRST APPEAL (St.) NO. 33247 OF 2018

Sayabanna Rudrappa Gangade and Another ...Applicants.

Versus

The State of Maharashtra and Others ...Respondents.

Mr. Ashok B. Tajane for the Appellant.

Mr. Mayur Sonavane AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : 13th March, 2025.

P. C. :

1. Civil Application has been preferred seeking condonation of delay of 312 days caused in preferring the First Appeal.
2. The proceedings arise out of land acquisition proceedings. The Reference came to be filed on 6th December, 2010, which came to be partly allowed on 24th August, 2017. As interest was not granted, the Review Application was filed, which came to be decided on 21st March, 2018. As Review was not in favor of Applicants', they applied for certified copy and thereafter, filed the present Appeal.
3. Learned counsel appearing for Applicants' would submit that in fact, the delay would be of period of 69 days, as the Review was pending for consideration. However, by way of abundant precautions,

delay of 312 days calculated from the date of order of Reference Court dated 24th August, 2017 is sought to be condoned. He submits that in any event, there is sufficient explanation tendered as at that time, the Claimants' were pursuing review proceedings as grievance was only to extent of non-grant of interest.

4. Learned AGP does not seriously oppose the Application considering the proceedings arise out of land acquisition matter.

5. I have considered the submissions and perused the record.

6. The Reference came to be partly allowed and the Claimants' thereafter, preferred review of order as interest was not granted and it is only after the Review Application came to be dismissed that the present Appeal has been filed. Though the days of delay are stated to be of 312 days calculating the same from the date of Appeal, it cannot be lost sight that subsequently, review was filed and it is upon the failure of Review that the Claimants' were left with no other remedy, but to challenge the First Appeal as well as the order passed in the review proceedings and hence, there is delay. The explanation tendered is sufficient explanation for condonation of delay particularly considering that proceedings arise out of land acquisition proceedings and interest has not been granted.

7. In light of above, delay of 312 days stands condoned.

8. Civil Application is allowed.

[Sharmila U. Deshmukh, J.]