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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 765 OF 2025
IN
SECOND APPEAL (ST) NO. 36764 OF 2024**

State of Maharashtra through the Collector ... Applicants
and Ors

vs.

Sopan Ram Pawar and Ors ... Respondents

Mr. D.J. Haldankar, AGP for Applicant.

CORAM : GAURI GODSE, J.

DATED : 22nd JANUARY 2025

ORDER:

INTERIM APPLICATION NO. 765 OF 2025

1. This application is for condonation of delay of one year and 283 days in filing the second appeal.
2. The second appeal arises out of rejection of appellants' application for condonation of delay of 10 years 1 month and 36 days in filing the first appeal. The first appeal was filed to challenge the judgment and decree dated 4th May 2012, passed in favour of respondent no.1. The first appellate court has rejected the

application for condonation of delay on the ground that no sufficient cause is shown to condone huge delay of more than 10 years.

3. There is no dispute that the appellants i.e. the State Government and its concerned officers were represented in the suit through their advocate. The application for condonation of delay in filing the first appeal raises vague grounds for condonation of delay. The applicants have given vague reasons about internal transfers of the employees of the government and various elections conducted during the intervening period.

4. The first appellate court has referred to the letter dated 28th August 2012, submitted before the applicant no. 2 i.e. the District Superintendent of Land Records, Pune requesting to measure the land and fix boundaries as per the trial court's decree. A similar request was also made to respondent no.4 in June 2012. Receipt of these letters by applicant no.2 i.e. the District Superintendent of Land Records, Pune and applicant no. 4 i.e. the Deputy Director of Land Records, Pune is not disputed by applicants. Hence, the first appellate court held that the letters relied upon by the plaintiff indicates that the applicants were aware about the trial court's decree.

5. The first appellate court has also referred to the writ petition

filed by the plaintiffs wherein the applicants were represented. The first appellate court thus, held that though the appellants were aware about the impugned decree no steps were taken for more than 10 years to file the first appeal. Hence, for want of sufficient and justifiable reasons to condone the huge delay of more than 10 years, the application for condonation of delay in filing the first appeal is rejected.

6. I called upon learned AGP to point out whether the second appeal would raise any substantial question of law. He submits that the impugned order rejecting the application for condonation of delay would cause serious prejudice to the appellants. Hence, the order rejecting the application for condonation of delay would amount to a technical approach. He. Therefore, submits that the second appeal would require consideration as the aforesaid submissions would raise substantial question of law.

7. A perusal of the reasons by the first appellate court clearly indicates the negligence on the part of the appellants in not taking steps to challenge the trial court's decree. There is no dispute that the appellants were made aware about the trial court's decree in the year 2012. Thus, inspite of knowledge of trial court's decree, no steps were taken to challenge the same. A perusal of the application

for condonation of delay filed in the first appeal raises vague ground about internal transfer and various elections held during the intervening period. There are no particulars pleaded to justify the huge delay of more than 10 years. Hence, for want of any justifiable reasons, the first appellate court has rightly dismissed the application for condonation of delay.

8. The second appeal therefore does not raise any substantial question of law. Hence, I do not find it necessary to issue notice in the application for condonation of delay in filing the second appeal.

9. In the facts and circumstances of the case, delay in filing the second appeal is condoned and the Interim Application No. 765 of 2025 is allowed.

10. For the reasons recorded above, the second appeal is dismissed as there is no question of law involved in the second appeal.

11. In view of dismissal of the second appeal, the pending Interim Application No. 765 of 2025 is disposed of as infructuous.

(GAURI GODSE, J.)