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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 33753 OF 2023
WITH
INTERIM APPLICATION NO. 10300 OF 2024
WITH
INTERIM APPLICATION NO. 10301 OF 2024

The Executive Engineer Raigad … Appellants

V/s.

Mahadev Laxman Sutar Since Deced. Thr. Lrs Nirmala Mahadev Sutar @ Zapkar and Others … Respondents

Mr. Vikas More, with Ms. Chaitrali Deshmukh, for Appellant-Applicant.

Mr. A. R. Patil, Additional GP for State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2026

P.C.:

INTERIM APPLICATION NO. 10300 OF 2024

1. The applicant has filed the present Interim Application seeking condonation of delay of 3 years 4 days in preferring the present appeal arising out of the Reference Award passed under Section 18 of the Land Acquisition Act, 1894.

2. The cause shown for condonation of such substantial delay is stated in paragraph No. 5 of the application. The Court has carefully gone through the said pleadings. Since the delay is of an extraordinary length, the explanation furnished by the applicant is required to be examined with greater scrutiny. It is well settled that while a liberal approach may be adopted in considering an application for condonation of delay, such approach cannot dispense with the requirement of furnishing a satisfactory explanation covering the entire period of delay. The applicant is therefore required to place before the Court material indicating that despite acting with due diligence, the appeal could not be filed within the prescribed period of limitation. It is in the light of these principles that the explanation set out in paragraph No. 5 is required to be assessed.

3. After considering the recitals contained in paragraph No. 5 of the application and after examining the chronology of events placed on record, it becomes evident that the impugned judgment and award came to be passed on 12 October 2017. However, the application seeking certified copy of the judgment was filed on 17 October 2017. This factual position itself shows that for a considerable period after passing of the award, no steps were taken by the applicant. The Court finds that there is no satisfactory explanation for this period. The pleadings are silent as to what prevented the applicant from approaching the Court or taking necessary steps immediately after pronouncement of the award. Mere general statements without particulars cannot

be treated as sufficient cause, particularly when the delay runs into several years.

4. It is true that the period affected by the Covid Pandemic deserves due consideration. The Courts have also taken judicial notice of the difficulties faced by litigants during that period. Therefore, even if the period from March 2020 till March 2022 is excluded from consideration the difficulty still remains that there is no explanation for the period commencing from June 2018 till March 2020. The applicant has not disclosed any circumstances showing sufficient reason which could justify inaction during this period. In absence of such explanation, the Court is unable to conclude that the delay occurred due to reasons beyond the control of the applicant.

5. Even for the period subsequent to March 2022, the explanation furnished does not inspire confidence. The appeal ultimately came to be filed on 12 December 2023. Thus, even after normal functioning of Courts had resumed, there remained a further period for which justification was required. The reasons stated are that an advocate was required to be appointed and that arrangements had to be made for payment of court fees. Such explanations are of a general nature. Every litigant intending to challenge a judgment is expected to take necessary steps for engaging an advocate and arranging court fees within a reasonable period. These are ordinary requirements of litigation and cannot constitute sufficient cause for condoning a prolonged

delay extending over several years. The application does not disclose any circumstance showing why these procedural requirements could not be completed earlier.

6. The Court is conscious that refusal to condone delay may result in denial of adjudication on merits. However, limitation provisions cannot be rendered meaningless. The law of limitation is founded upon public policy. When a party seeks indulgence of the Court after expiry of the prescribed period, the burden lies upon such party to satisfactorily explain the delay. In the present matter, the explanation furnished remains incomplete. Consequently, this Court is unable to hold that sufficient cause has been made out for exercise of discretionary jurisdiction. In my opinion, therefore, the application for condonation of delay cannot be allowed.

7. The Interim Application accordingly deserves to be rejected and is rejected.

8. In view of the dismissal of the Interim Application seeking condonation of delay, the present First Appeal cannot be entertained on merits.

9. Accordingly, the present First Appeal as well as Interim Application No.10301 of 2024 for stay stand disposed of.

(AMIT BORKAR, J.)