Sayali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 35395 OF 2023

SAYALI DEEPAK UPASANI

Digitally signed by SAYALI DEEPAK UPASANI
Date: 2026.08.19 15:16:16 +0530

Executive Engineer Minor Lift
Irrigation Management
Division Pune And Anr. … Appellants

V/s.

Bhiva Ramji Thule Since Deceased
Thr. His Lrs. Pandurang Bhiva Thule … Respondents

WITH
INTERIM APPLICATION NO. 374 OF 2024
WITH
INTERIM APPLICATION NO. 375 OF 2024

Mr. A. Urankar with Ramesh Dube Patil, with Ashish Gabhale i/b Jay and Co. for Appellants.

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

CORAM : AMIT BORKAR, J.

DATED : AUGUST 18, 2026

P.C.:

INTERIM APPLICATION NO. 374 OF 2024

1. By this application, the applicant has requested that the delay of about six years in filing the First Appeal be condoned. The appeal arises from the Award passed by the District Court in Land Reference No. 50 of 2009 under Section 18 of the Land Acquisition Act.

2. The applicant seeks condonation of the delay mainly on the ground that after the certified copy became available and was delivered on 24th November, 2020, the matter was considered by the legal department. A decision was then taken to file an appeal. According to the applicant, some additional time was required to complete the necessary official and procedural formalities before filing the First Appeal.

3. However, the record shows that the judgment and Award were passed on 04 October 2017. It is not disputed that the applicant was a party to the proceedings and was heard before the Award was passed. Therefore, in law, the date of the judgment itself must be treated as the date on which the applicant had knowledge of the impugned judgment and Award. It further appears that the application for a certified copy was made only on 29 September 2020. Even if the period from March 2020 until the date of applying for the certified copy is excluded from consideration, the applicant has not given any satisfactory explanation for the delay between 04 October 2017 and 29 September 2020. Similarly, no sufficient explanation has been given for the period from March 2022 till October 2023. The reason stated in paragraph 8 is general in nature and does not satisfactorily explain the delay during these periods. In these circumstances, this Court finds that sufficient cause for condonation of delay has not been shown. Hence, no case is made out for condoning the delay and the application deserves to be rejected.

4. As a result, the First Appeal cannot survive for consideration.

5. Consequently, the Interim Applications also do not survive and are disposed of accordingly.

(AMIT BORKAR, J.)