

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****FIRST APPEAL (ST) NO. 14166/2021****ALONGWITH****INTERIM APPLICATION (ST) NO. 14169/2021****ALONGWITH****INTERIM APPLICATION (ST) NO. 14170/2021****IN****FIRST APPEAL (ST) NO. 14166/2021**

**EXECUTIVE ENGINEER,
(CIVIL), EHV CCCM DIVISION – MSETCL
& ORS.**

..... APPELLANTS**VS****MOHAN NARAYAN MAHAJAN & ORS.****..... RESPONDENTS**

Adv. Shyam Dewani a/w. Adv. Dashang Doshi i/b. Adv. Ashok T. Gade
& Adv. Riya J. for the Appellants/Applicants.

Mr. A. R. Patil, Additional G.P for the State.

Ms.Amrita Kharkar a/w. Adv. Sayalee Bhosale i/b. Adv. P. H. Potnis for
the Respondents.

CORAM : RAJESH S. PATIL, J.**DATE : 16 APRIL, 2026****P.C. :-****INTERIM APPLICATION (ST) NO. 14169/2021**

1) This Interim Application is filed to condone delay of 683
days in filing the First Appeal.

This order is corrected pursuant to Speaking to the Minutes of the Order dated 8 May, 2026.

2) Heard learned counsel for both sides and I have gone through the contents of the application and more particularly para no.2 which runs around six pages.

3) Supreme Court in the judgment of ***Collector, Land Acquisition, Anantnag and another Vs. Mst. Katji and Others*** reported in ***1987 SC 1353***, has held that:

“Every day’s delay must be explained” does not mean that a pedantic approach should be made. Why not every house’s delay. Every second’s delay ? The doctrine must be applied in a rational common sense pragmatic manner.”

4) Supreme Court in the case of ***S. Ganesharaju (Dead) through Lrs V. Narasamma (Dead) through Lrs*** reported in ***(2013) 11 SCC 341***, more specifically, paragraph Nos. 12 and 13, of the said judgment held that a liberal construction to the cause of delay should be given. The said paragraphs are reproduced herein below:

12. The expression “sufficient cause” as appearing in Section 5 of the Limitation Act, 1963, has to be given a liberal construction so as to advance substantial justice. Unless the respondents are able to show malafides in not approaching the court within the period of limitation, generally as a normal rule, delay should be condoned. The trend of the courts while dealing with the matter with regard to condonation of delay has tilted more towards condoning delay and directing the parties to contest the matter on merits, meaning thereby that such technicalities have been given go-by.

13. The rules of limitation are not meant to destroy or foreclose

the right of parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly.

5) Bombay High Court in the judgment of ***Kamalbai Narasaiyya Shrimal and Another Vs. Ganpat Vithalrao Gavare*** reported in ***2007 (1) MH. L.J. 807***, paragraph Nos.13 and 15 has held:

13. The factual position is manifestly clear on bare perusal of the application for condonation filed by the petitioners before the learned District Judge. The only relevant statement in the application is thus:

“The delay caused in preferring the appeal is of six months. The caused delay is not intentional one. The appellants are poor and helpless persons. If the delay is not condoned appellant may cause irreparable loss which cannot be compensated in terms of money. The suit was for recovery of possession and present appellants are tenants. If the delay is not condoned then appellants will become shelterless.”

15. The expression “sufficient cause” cannot be erased from section of the Limitation Act by adopting excessive liberal approach which would defeat the very purpose of section 5 of the Limitation Act. There must be some cause which can be termed as a sufficient one for the purpose of delay condonation. I do not find any such “sufficient cause” stated in the application and as such no interference in the impugned order is called for.”

6) Considering the law laid down by the Supreme Court and Bombay High Court in the above mentioned judgments and the facts narrated in the interim application, I am satisfied that the grounds are made out to allow this interim application.

7) The Interim Application is allowed in terms of prayer clause (a) and disposed of accordingly.

INTERIM APPLICATION (ST) NO. 14170/2021

8) This interim application has been filed by the acquiring body seeking stay to the execution of the Judgment and Order dated 7 May, 2019 passed by the learned 3rd Additional Judge, Small Causes Court and Joint Civil Judge, Senior Division, Pune in Land Acquisition Reference Petition No. 185 of 2001.

9) It is submitted before me that the entire award amount has been deposited with the Reference Court and the said amount has already been withdrawn by the claimant.

10) In view of the statement made by Mr. Ashok T. Gade, learned Counsel for the Appellants, **interim application stands allowed in terms of prayer clause (a).**

FIRST APPEAL (ST) NO. 14166/2021

11) This First Appeal has been filed challenging the Judgment and Order dated 7 May, 2019 passed by the learned 3rd Additional Judge, Small Causes Court and Joint Civil Judge, Senior Division,

Pune in Land Acquisition Reference Petition No. 185 of 2001.

12) Acquisition of the land pertains to the notification dated 30 April, 1998 issued under Section 4 of the Land Acquisition Act.

The land pertains to Village Jejuri, District Pune for the purpose of MSEB 400 Sub-station Jejuri, Taluka Purandhar, District Pune.

13) Learned advocate appearing for the original claimant has raised an objection that the proceedings before the Reference Court were not *ex-parte* and was passed after the parties were heard.

14) Heard learned advocates for both the sides.

15) **Admit.**

16) All contentions of the parties are kept open.

17) The Appellants to file private paper-book within a period of six months from today. A copy of the same to be served on other side.

18) Call for R & P

(RAJESH S. PATIL, J.)