
(2014) 09 GUJ CK 0102
In the Gujarat High Court

Case No : Civil Application (For Condonation of Delay) No. 10229 of 2014 in First Appeal (Stamp Number) No. 2650 of 2014 With Civil Application No. 10230 of 2014 in First Appeal (Stamp Number) No. 2651 of 2014 To Civil Application No. 10237 of 2014 in First Appeal

Special Land Acquisition Officer	Vs	APPELLANT
Jiviben Umeddas Amichanddas		RESPONDENT

Date of Decision : 25-09-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 28A
Limitation Act, 1963 — Section 5

Citation : (2014) 09 GUJ CK 0102

Hon'ble Judges : Mukesh R. Shah, J;Kaushal Jayendra Thaker, J

Bench : Division Bench

Advocate : Jaiswal, Assit. Government Pleader, Advocate for the Appellant;
Hitesh B Patel, Yatin Soni and A.V. Prajapati, Advocate for the Respondent

Judgement

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Mukesh R. Shah, J.

1.0. All these applications under Section 5 of the Limitation Act has been preferred by the applicants herein-original opponents-Special Land Acquisition Officer-SIPU Project, Palanpur and Executive Engineer, Sujalam Sufalam, Vibhag 1, Kerva, Dist. Mehsana requesting to condone the delay of 587 days in preferring respective First Appeals against the impugned common judgment and award passed by the learned Reference Court-learned 4th Additional Senior Civil Judge, Mehsana passed in Land Reference Case Nos. 560 of 2009 to 568 of 2009, by which, learned Reference Court has partly allowed the said Reference and has awarded exorbitant amount of compensation i.e. additional compensation at the rate of Rs. 530/- per sq mtr.

2.0. It is the case on behalf of the applicants that as such there were 7 group of matters decided by the very learned Reference Court, with respect to lands

acquired of the very village and very project and in other six group of matters, State preferred First Appeal No. 2756 of 2013 and other allied matters before this Court, but due to inadvertence proposal against the impugned judgment and award passed by the learned Reference Court (7th group) was not made and therefore, the appeals against the impugned common judgment and award passed by the learned Reference Court (7th group) could not be filed.

2.1. It is further submitted that so far as other group of appeals are concerned i.e. First Appeal No. 2756 of 2013 and other allied matters, the Division Bench of this Court has partly allowed the said appeals of the State Government and has reduced the amount of compensation from Rs. 530/- per sq mtr to Rs. 360/- per sq mtr with respect to lands acquired of very village and acquired for very project. It is submitted that therefore, in six group the claimants will be awarded additional compensation at the rate of Rs. 360/- per sq mtrs however in the present case if the delay is not condoned and the appeals are not considered on merits, in that case, small group of persons (7th group) will get additional compensation at the rate of Rs. 530/- per sq mtr and therefore, there would be discrimination amongst the same/similar group of claimants/owners. It is submitted that if the delay occurred in preferring the appeals is not condoned, in that case and more particularly in view of the decision of the Division Bench of this Court in First Appeal No. 2756 of 2013 and other allied appeals, by which, the learned Division Bench of this Court has determined and awarded additional compensation at Rs. 360/- per sq mtr and if the delay in preferring the appeals is not condoned as requested, there will be huge loss to the State Government and ultimately to the public exchequer as there will be a difference of Rs. 170/- per sq mtr.

2.2. It is further submitted that as such neither there was any mala fide intention on the part of the applicants in not preferring the appeals within the period of limitation and/or at the earliest nor the applicants were to gain in not preferring the appeal within the period of limitation. It is submitted that as such in other six group of matters arising out of the very acquisition and the lands acquired of very village and for very project the State Government did prefer the appeals, however, due to inadvertence and bonafidely the proposal against the impugned judgment and award was not made with other identical matters. Therefore, it is requested to allow the present applications and condone the delay in preferring the appeals as prayed for and requested to decide and dispose of the appeals on merits. It is submitted that if the delay as prayed for is condoned, no prejudice shall be caused to the respondents-original claimants as they will be given opportunity to submit the case on merits. It is submitted that on the other hand if the delay is not condoned the applicants will not get opportunity to submit the case on merits and there will be huge loss to the government and ultimately public exchequer.

2.3. Shri Jaiswal, learned AGP has heavily relied upon following decision of the Hon"ble Supreme Court as well as Division Bench of this Court in support of his

prayers to condone the delay.

1. State of Assam and Others Vs. Susrita Holdings Pvt. Ltd.,
2. G. Ramegowda, Major and Ors Vs. Special Land Acquisition Officer, Bangalore,
3. Commissioner of Income Tax Vs. West Bengal Infrastructure Development Finance Corporation Ltd., .
4. State of Nagaland Vs. Lipok AO and Others,
5. State of Gujarat vs. Welspun Gujarat Stahl Rohern Ltd. rendered in Civil Application No. 253 of 2012
6. Chief Controlling Revenue Authority vs. Gujarat Borosil Ltd. rendered Civil Application (For Condonation of Delay) No. 4011 of 2014 & other allied applications.

2.4. Relying upon the aforesaid decisions and making above submissions, it is requested to condone the delay and give one additional opportunity to the applicants to submit the case on merits rather than suiting them on the technical grounds of delay.

3.0. Shri Yatin Soni, learned advocate has appeared on behalf of respective original claimants in respective applications except Civil Application Nos. 10231 of 2014 to 10234 of 2014. Shri A.V. Prajapati, learned advocate has stated at the bar that he has instruction to appear on behalf of respective respondents-original claimants in Civil Application Nos. 10231 of 2014 to 10234 of 2014.

3.1. All these applications are opposed by Shri Soni, learned advocate for the respective respondents-original claimants of respective Civil Applications except Civil Applications, in which, Shri A.V. Prajapati, learned advocate has appeared on behalf of respective claimants. An affidavit in reply is filed by Shri Soni, learned advocate on behalf of some of the original claimants while opposing the present application has vehemently submitted that only ground stated in the application is inadvertently and/or inaction on the part of the concerned State Authority in sending the proposal for filing the appeals. Shri Soni, learned advocate for some of the original claimants has submitted that mere inadvertent or inaction on the part of the State Authority cannot be considered to be the sufficient ground to condone the huge delay.

3.2. It is further submitted by Shri Soni, learned advocate for some of the original claimants that in fact at the time when group of First Appeals in the case of other six group of matters being First Appeal No. 2756 of 2013 and other allied First Appeals were heard decided and disposed of by the Division Bench of this Court and the attention of the learned AGP was drawn that against impugned judgment and award passed by the learned Reference Court, the State has not preferred Appeals. It is submitted that despite the same, the appeals were not preferred at the relevant time. It is further submitted that even the present appeals have been preferred after a period of 7 months from the judgment and

award passed by Division Bench of this Court in the aforesaid First Appeals and other allied First Appeals.

3.3. It is submitted that therefore, there is total carelessness and negligent on the part of the State Authority in not preferring the appeals within the period of limitation and/or even at the earliest. Shri Soni, learned advocate for some of the original claimants has relied upon the averment made in the affidavit in reply, more particularly para 5 to 7 in support of his prayer to dismiss the present applications.

3.4. Shri Soni, learned advocate for some of the original claimants has heavily relied upon the following decisions of the Hon''ble Supreme Court in support of his prayer to dismiss the present applications.

1. Basawaraj and Others Vs. The Spl. Land Acquisition Officer, .
2. Mewa Ram (Deceased) by his Lrs. and Others Vs. State of Haryana through The Land Acquisition Collector, Gurgaon,
3. Brijesh Kumar and Others Vs. State of Haryana and Others,
4. P.K. Ramachandran Vs. State of Kerala and Another,

3.5. Now, so far as reliance placed upon the decision of the Hon''ble Supreme Court in the case of Susrita Holding Pvt. Ltd. (supra) by the learned AGP, Shri Soni, learned advocate for some of the original claimants has submitted that the Hon''ble Supreme Court in the aforesaid decision has observed that the said decision in the peculiar facts and circumstance of the case and same shall not be cited as precedent. It is submitted that therefore, no reliance can be placed upon the aforesaid decision of the Hon''ble Supreme Court in the case of Susrita Holding Pvt. Ltd. (supra).

3.6. Making above submissions and relying upon above decisions, it is requested to dismiss the present Civil Applications.

4.0. Shri A.V. Prajapati, learned advocate appearing on behalf of original claimants in respective Civil Application Nos. 10231 to 10234 of 2014 has neither opposed the present applications nor specifically conceded. However, has requested to pass appropriate order in the facts and circumstance of the case and has stated at the bar that if delay is condoned, he does not invite any further reasoned order. Under the circumstance, Shri A.V. Prajapati, learned advocate for original claimants in respective Civil Application Nos. 10231 to 10234 of 2014 is not seriously opposing the present applications.

5.0. Heard the learned advocates for the respective parties at length. All these applications under Section 5 of the Limitation Act have been preferred by the applicants herein State authorities to condone the delay of 587 days in preferring the respective appeals against the impugned judgment and award passed by the learned Reference Court in partly allowing the aforesaid References and awarding additional compensation at the rate of Rs. 530/- per sq mtr. It is required to be

noted that as such there were 7 group of matters with respect to lands acquired of very village and for very project and in all the cases, the learned Reference Court awarding additional compensation at the rate of Rs. 530/- per sq mtr. In other six group of matters, the State did prefer appeals being First Appeal No. 2756 of 2013 and other allied First Appeals, however inadvertently the proposal to prefer the appeals against the present impugned judgment and award passed by the learned Reference Court (7th group) was not made and therefore, appeal was not preferred at the relevant time. It is also required to be noted at this stage that in the other six group of appeals the Division Bench of this Court has partly allowed the aforesaid First Appeals and has modified the judgment and award passed by the learned Reference Court and has reduced the amount of additional compensation from Rs. 530/- per sq mtr to Rs. 360/- per sq mtr. Therefore, there will be huge difference of compensation to the extent of Rs. 170/- per sq mtr. Therefore, if the delay caused in preferring the First Appeals is not condoned, in that case, the resultant effect would be that in other group of matters (six group) for the land acquired for the very village and for the very project, the other claimants will get additional compensation at the rate of Rs. 360/- per sq mtr and land owners/claimants in the 7th group will get additional compensation at the rate of Rs. 530/- per sq mtr and therefore, there is likelihood of discrimination between two group of claimants. Even considering the provision of Section 28A of the Land Acquisition Act, all the claimants are entitled to same compensation and that is the intention of the legislature while enacting Section 28A of the Land Acquisition Act. Therefore, if the delay in preferring the appeals as prayed for is not condoned, in that case, there will be heart burning between two group of claimants/original claimants one will get compensation at the rate of Rs. 360/- per sq mtr as determined and awarded by the Division Bench of this Court and other similarly group of persons may get additional compensation at the rate of Rs. 530/- per sq mtr. Apart from the above, even there will be a huge difference i.e. Rs. 170/- per sq mtr. Considering the area of land acquired and the amount of compensation to be paid to the original claimants there will be a huge loss to the State Government and ultimately to the public exchequer in lakhs of rupees and therefore, delay in preferring the present appeals is not condoned, it may not be in the larger public interest.

6.0. It is also required to be noted that in the affidavit in reply filed by some of the claimants opposing the present applications the respective claimants have not alleged any mala fide and it is not the case on behalf of the original claimants that deliberately and/or willfully and/or with mala fide intention the appeals are preferred belatedly. In backdrop of the above facts and circumstances, present applications preferred by the applicants to condone the delay in preferring the appeals against the impugned judgment and award passed by the learned Reference Court are required to be considered.

7.0. In the case of *Susrita Holding Pvt. Ltd.* (supra), the Hon''ble Supreme Court has specifically observed and held that malfunctioning of the State Government regarding the unpardonable lackadaisical attitude towards pursuing matter in the

Court of law cannot be the reason for loss of public property which involves public money and causes loss to the public exchequer.

8. In the case of *G. Ramegowada Major and Ors.* (supra), the Hon''ble Supreme Court in para 15 and 17 has observed and held as under:

15. In litigations to which Government is a party there is yet another aspect which perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected; but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals.

17. Therefore, in assessing what, in a particular case constitutes "sufficient cause" for purpose of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making.

9. Identical question came to be considered by the Division Bench of this Court in the case of *Welspun Gujarat Stahl Rohren Ltd.* (Supra) and considering the large amount of the revenue involved and considering the decision of the Hon''ble Supreme Court in the case of *Commissioner of Income Tax Vs. West Bengal Infrastructure Development Finance Corporation Ltd.* (Supra), the Division Bench has condoned the delay of 732 days which was sought on similar grounds. The Division Bench of this Court while condoning the delay of 732 days observed as under:

"In the present case, however, we find for the reasons recorded thereafter, such delay is required to be condoned. Firstly, in our opinion, the affidavit contents of which are noted above, renders reasonable explanation for such delay and gives reasons why appeal could not be presented within the prescribed time limit. It is pointed out that upon receipt of the judgment of the Tribunal, after obtaining opinion of the concerned officers, a decision was taken for filing the appeal. Approval from the Finance Department had thereafter, to be obtained. After obtaining such approval, necessary papers were handed over to the office of Government Pleader, Gujarat High Court. Due to heavy work load and shortage of staff, considerable time was consumed in the office of the Government Pleader in drafting such appeal. It is contended that the appeal involves substantial question of law. Simultaneously, we also notice that the duty amount involved in the present case is in excess of Rs. 6 Crores. In our opinion, looking to the nature of delay, explanation rendered by the appellant in various affidavits and the tax impact in the appeal, we would be inclined to condoned the delay. We would not in the case of this nature, like to dismiss the State appeal without consideration on merits. The applicant has correctly placed reliance on the observation of Supreme Court in case of *Commissioner of Income Tax Vs.*

West Bengal Infrastructure Development Finance Corporation Ltd., , in which it was observed thus:

"5. Looking to the amount of tax involved in this case, we are of the view that the High Court ought to have decided the matter on the merits. In all such cases where there is delay on the part of the Department, we request the High Court to consider imposing costs but certainly it should examine the cases on the merits and should not dispose of cases merely on the ground of delay, particularly when huge stakes are involved."

In case of State of Nagaland Vs. Lipok AO and Others, , it was observed as under:

"13. Experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be subjected to appeal) and the inherited bureaucratic methodology imbued with the note-making, file-pushing, and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve. The State which represents collective cause of the community, does not deserve a litigant-non-gratia status. The courts, therefore, have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression of sufficient cause. Merit is preferred to scuttle a decision on merits in turning down the case on technicalities of delay in presenting the appeal. Delay as accordingly condoned, the order was set aside and the matter was remitted to the High Court for disposal on merits after affording opportunity of hearing to the parties. In Prabha v. Ram Parkash Kalra (1987 Supp SCC 339), this Court had held that the court should not adopt an in justice oriented approach in rejecting the application for condonation of delay. The appeal was allowed, the delay was condoned and the matter was remitted for expeditious disposal in accordance with law.

14. In G. Ramegowda, Major and Ors Vs. Special Land Acquisition Officer, Bangalore, , it was held that no general principle saving the party from all mistakes of its counsel could be laid. The expression "sufficient cause" must receive a liberal construction so as to advance substantial justice and generally delays in preferring the appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bona fides is imputable to the party seeking condonation of delay. In litigations to which Government is a party, there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected, but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals. The law of limitation is, no doubt, the same for a private citizen as for governmental authorities. Government, like any other litigant must take responsibility for the acts, omissions of its officers. But a somewhat different complexion is imparted to the matter where Government makes out a case where public interest was shown to have suffered owing to acts of fraud or bad faith on the part of its

officers or agents and where the officers were clearly at cross purposes with it. It was, therefore, held that in assessing what constitutes sufficient cause for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the consideration that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Government decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have "a little play at the joints". Due recognition of these limitations on governmental functioning-of course, within reasonable limits is necessary if the judicial approach is not to be rendered unrealistic. It would, perhaps, be unfair and unrealistic to put Government and private parties on the same footing in all respects in such matters. Implicit in the very nature of Governmental functioning is procedural delay incidental to the decision making process. The delay of over one year was accordingly condoned.

15. It is axiomatic that decisions are taken by officers/agencies proverbially at slow pace and encumbered process of pushing the files from table to table and keeping it on table for considerable time causing delay intentional or otherwise is a routine. Considerable delay of procedural red tape in the process of their making decision is a common feature. Therefore, certain amount of latitude is not impermissible. If the appeals brought by the State are lost for such default no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression "sufficient cause" should, therefore, be considered with pragmatism in justice oriented approach rather than the technical detection of sufficient cause for explaining every day's delay. The factors which are peculiar to and characteristic of the functioning of the governmental conditions would be cognizant to and requires adoption of pragmatic approach in justice oriented process. The court should decide the matters on merits unless the case is hopelessly without merit. No separate standards to determine the cause laid by the State vis-a-vis private litigant could be laid to prove strict standards of sufficient cause. The Government at appropriate level should constitute legal cells to examine the cases whether any legal principles are involved for decision by the courts or whether cases require adjustment and should authorise the officers to take a decision or give appropriate permission for settlement. In the event of decision to file appeal needed prompt action should be pursued by the officer responsible to file the appeal and he should be made personally responsible for lapses, if any. Equally, the State cannot be put on the same footing as an individual. The individual would always be quick in taking the decision whether he would pursue the remedy by way of an appeal or application since he is a person legally injured while State is an impersonal machinery working through its officers or servants.

16. The above position was highlighted in State of Haryana Vs. Chandra Mani and others, ; and Special Tehsildar, Land Acquisition, Kerala Vs. K.V. Ayisumma, . It was noted that adoption of strict standard of proof sometimes fail to protract

public justice, and it would result in public mischief by skilful management of delay in the process of filing an appeal."

10. The Division Bench of this Court in the case of Gujarat Borosil Ltd. (supra) while allowing applications preferred by the State Government to condone the delay of 1439 days in para 8 to 10 as observed and held as under:

8. The Court cannot be unmindful of the fact that there are instances when there are individuals who are interested to see that file does not move not only from one department to another but in the same department from one table to another. The Court is not required to put it on record that this is always for extraneous considerations because ultimately, an individual is interested in getting the favorable result.

9. The Court is conscious of the fact that refusing to condone the delay will result in a meritorious matter being thrown out at the very threshold and cause of justice may be defeated. As against this, when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties. The Court is also conscious of the fact that judiciary is respected not on account of its power to legalise injustice on technical grounds, but because it is capable of removing injustice and is expected to do so as was held by Hon"ble the Apex Court in the matter of Collector, Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others, which was relied by the Division Bench of this Court in the matter of Babubhai Bhagwanji Mehta Vs. State of Gujarat Special Secretary (Appeals), .

10. The present is the group of petitions; wherein, question about payment of stamp duty is involved and the amount is running in crores of rupees. Ultimately, if these civil applications seeking condonation of delay are rejected, its ultimate result will be that the public exchequer will be deprived of the amount involved in all these matters without there being an examination of the issue by the Division Bench. The Court is of the opinion that this is not what is warranted by law and therefore, unless private individuals are able to point out something grave in the nature of a deliberate mischief and direct outcome of that mischief is going to cause serious prejudice to the private individuals, the delay condonation application is required to be considered with due leniency in favour of the Government organization. The Hon"ble the Apex Court in more than one judgments has taken note of the fact that Government organization act through its employees who are known to be impersonal in dealing with the matters of the Government. The Court is of the opinion that these applications, if are allowed, no apparent prejudice is caused to the private individuals who are opposing these applications. The only effect will be that the matter will be examined on merits. Therefore, all these applications are allowed. Delay condoned. Rule made absolute.

11. Now, so far as submission, of Shri Soni, learned advocate for the some of the original claimants that as observed by the Hon"ble Supreme Court in the case of

Susrita Holding Pvt. Ltd. (supra) that the said decision may not be treated as precedent and therefore, not to consider the aforesaid decision of the Hon''ble Supreme Court and for that purpose reliance placed upon para 27 of the said decision is concerned, on fair reading of the said decision, more particularly para 27, the Hon''ble Supreme Court has not observed that the said decision and/or observation made in the said decision may not be cited as precedent. However, what observed is that the said case should not set a precedent to justify the inordinate delay on the part of the State to file the appeals or in other legal proceedings required to be filed within the period of limitation prescribed in law. Therefore Shri Soni, learned advocate for some of the original claimants is not right in submitting that the aforesaid decision of the Hon''ble Supreme Court in the peculiar facts and circumstance and the observation made by the Hon''ble Supreme Court in the said decision is not to be cited as precedent at all.

12. Now, so far as other decisions of the Hon''ble Supreme Court relied upon by Shri Soni, learned advocate for some of the original claimants referred to herein above, on careful consideration of the aforesaid judgment of the Hon''ble Supreme Court in light of the law laid down by the Hon''ble Supreme Court, the Court examined the matter. No doubt it is true that in the application to condone the delay the ground pleaded by the State Government is inadvertence and/or inaction on the part of the concerned department in not making proposal to prefer appeals against the impugned judgment and award passed by the learned Reference Court. However, as observed herein above and it is required to be noted that as such there were 7 group of matters before the learned Reference Court with respect to lands acquired of the very village and for very project and the learned Reference Court decided all the references simultaneously and in other six group of matters, State Government did prefer appeals and through inadvertence the proposal could not be made to prefer the appeals against the impugned judgment and award passed by the learned Reference Court (7th group of matters). Therefore, as such it cannot be said that there was any mala fide intention on the part of the concerned officer in preferring the appeals belatedly and/or not preferring the appeals within the period of limitation. As observed herein above, even it is not the case on behalf of the original claimants who are opposing the present applications that there was any mala fide intention on the part of the concerned officers in not preferring the appeals within the period of limitation and/or preferring the appeals belatedly. As observed herein above, other six group of appeals with respect to lands acquired of the very village and for very project, the Division Bench of this Court has modified the judgment and award declared by the Reference Court and has awarded the additional compensation at the rate of Rs. 360/- per sq mtr instead of additional compensation at the rate of Rs. 530/- per sq mtr. Therefore, the original land owners/claimants in other six group of appeals will get the additional compensation at the rate of Rs. 360/- per sq mtrs and if the delay caused in preferring the first appeals is not condoned, in that case, the resultant effect would be that the claimants of 7th group will get additional compensation at the

rate of Rs. 530/- per sq mtr. Therefore, there will be to different class of the same group and similarly situated claimants may get different compensation, one will get additional compensation at the rate of Rs. 360/- per sq mtr and other claimants will get additional compensation at the rate of Rs. 560/- per sq mtr and even same can be said to be contrary to the provision of Section 28A of the Land Acquisition Act.

13. Apart from the above and in view of decision of the Division Bench of this Court in First Appeal No. 2756 of 2013 and other allied matters in other six group of matters for the land acquired of the very village and for the very project determining the additional compensation at the rate of Rs. 360/- per sq mtrs, if the delay caused in preferring the present appeals is not condoned there shall be huge loss to the State Government and ultimately to the public exchequer in lakhs of rupees and therefore, delay caused in preferring appeals is not condoned, the same may not be in the larger public interest. Even in the case of Basawaraj and Anr. (supra) in para 11 the Hon"ble Supreme Court has observed and held as under:

11. The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible.

14. Therefore, in the facts and circumstance of the case narrated herein above, we are of the opinion/view that delay in preferring the respective appeals can be condoned on imposing the reasonable cost upon the applicants to be paid to the original claimants-respondents herein. If these Civil Applications seeking condonation of delay are rejected, it will be loss to the State Government and ultimately to the public exchequer as observed herein above without there being examination of issue decided by the Division Bench on merits.

15. At this stage, it is required to be noted that even in the present group of matters also, in some of the applications represented by Shri A.V. Prajapati, learned advocate for some of the original claimants, he has left it to the Court and he has not seriously opposed the present applications and therefore, even in the present group of applications, it cannot be that some applications opposed by Shri Soni, learned advocate for the some of the original claimants are dismissed/ rejected and other applications are allowed.

16. In view of the above and for the reasons stated above, all these applications are allowed and delay caused in preferring respective appeals is hereby condoned on imposing cost upon the applicants to be paid to the respective respondents-original claimants in each of the applications quantified at Rs. 5000/-. To be deposited with the Registry of this Court within a period of two weeks from today and on such deposit the original claimants-respondents are permitted to withdraw the same which shall be paid to them by Account Payee

Cheque. Rule is made absolute to the aforesaid extent in each of the application with above cost.