

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 156 OF 2015
IN
CIVIL REVISION APPLICATION ST. NO. 119 OF 2015

Kisan s/o Somala Jadhav,
Age : 63 years, Occu. Agri.,
R/o Suralwadi, Tq. Gangakhed,
District Parbhani

APPLICANT

VERSUS

1. The State of Maharashtra,
through the District Collector,
Parbhani
2. The Special Land Acquisition
Officer, M.K.V., Parbhani
3. The Executive Engineer,
Majalgaon Canal Division No. 7,
Gangakhed, Tq. Gangakhed,
District Parbhani

RESPONDENTS

Mr. Mahesh P. Kale, Advocate for the applicant
Smt. S.D. Shelke, A.G.P. for respondents No. 1 and 2
None for respondent No. 3 though served

CORAM : M.T. JOSHI, J.

DATE : 19/03/2015

ORAL ORDER :

1. Heard both sides.

2. By the present application, the delay of 1508 days caused in filing the civil revision application, against the order passed by the learned Civil Judge Senior Division, Gangakhed in a land acquisition reference proceeding, is sought to be condoned.

3. The learned counsel for the applicant submits that the applicant is a villager. Only when the other land owners communicated him that in their connected land acquisition reference proceedings, the compensation is enhanced, he made enquiry and thereafter found that his reference proceeding was already dismissed by the reference court on 10th August, 2010 due to his absence, for want of evidence. However, the advocate had not communicated the applicant at any time about dismissal of the proceeding. He, therefore, seeks condonation of delay in filing the civil revision application.

. Similarly, on the same ground, the civil revision application is filed for setting aside the order of the reference court.

4. Upon hearing both sides and considering all the facts on record, in my view, the delay is reasonably

explained. In the circumstances, the delay in filing the revision application is condoned without any order as to costs.

. For the similar reasons, the civil revision application (St.) No. 119/2015 is also allowed, without any order as to costs. The order dated 10th August, 2010, passed by the Civil Judge Senior Division, Gangakhed in L.A.R. No. 972/1997 (Old L.A.R. No. 36/1996) is set aside. The land acquisition reference application No. 972/1997 is restored to the file of learned Civil Judge Senior Division, Gangakhed, on the condition that upon hearing afresh the parties, if the learned Civil Judge Senior Division comes to the conclusion that any enhancement in the compensation is required to be granted, no order regarding grant of statutory interest over the enhanced amount of compensation shall be made from the date of judgement i.e. 10th August, 2010 till the date of present order.

5. The parties are directed to appear before the learned Civil Judge Senior Division, Gangakhed on 21st April, 2015.

. The present civil application as well as civil revision application (St.) No. 119/2015 are accordingly disposed of.

[M.T. JOSHI]
JUDGE

npj/ca156-2015