

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 778 OF 2015
IN
CRA ST NO. 889 OF 2015**

Siddheshwar Govindrao Rode & Ors.

... Applicants

VERSUS

The State of Maharashtra,
through District Collector, Beed and Ors..

... Respondents

.....
Mr M. P. Kale, Advocate for the applicants
Mr P. P. More, AGP for respondent/State
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **21ST AUGUST, 2015.**

PER COURT:

. Heard learned counsel for the respective parties.

2. It is submitted that initially the matter was filed and pending before the Court at Parbhani. Subsequently, the same was transferred to the Court at Gangakhed. The applicants could not receive any notice about transfer of the matter to the Court at Gangakhed. Ld. Counsel submits that, even the advocate appointed by the original applicant had died. As such, the said fact of the pendency of the proceedings could not be noticed. The applicants were not aware of the pendency of the proceedings.

3. Ld. counsel for the non-applicant opposes the application on the ground that no sufficient cause is stated and no reason is given for such an abnormal delay.

4. The proceedings are in the nature of reference. The claim petitions are rejected seeking enhancement of compensation u/s 18 of the Land Acquisition Act. It is also nowhere shown that the applicants were served with notice of transfer of proceedings from Parbhani to Gangakhed. The applicants have given an undertaking that, they will not claim any statutory benefits for the delayed period. In case the applicants are awarded enhanced compensation by the reference Court, then the applicants will not be entitled for statutory benefits on the said enhanced amount from 9.11.2009 till today i.e. 21.08.2015.

5. Considering the aforesaid aspects, the civil application is allowed in terms of prayer clause “B.” of the application.

6. Civil Application accordingly disposed of.

[S. V. GANGAPURWALA, J.]

sgp