

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.1748 OF 2015
IN F.A. [ST] NO.18696 OF 1996
IN R.C. NO.58 OF 1998
[Tukaram Madhavrao Wadje Vs. The State of
Maharashtra and anr.]**

WITH
**CIVIL APPLICATION NO.1749 OF 2015
IN F.A. [ST] NO.18698 OF 1996
IN R.C. NO.60 OF 1998
[Bhanudas Bhaurao Wadje
Vs. The State of Maharashtra and anr.]**

WITH
**CIVIL APPLICATION NO.1751 OF 2015
IN F.A. [ST] NO.18697 OF 1996
IN R.C. NO.61 OF 1998
[Harihar Kisan Wadje
Vs. The State of Maharashtra and anr.]**

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Mr.A.G.Godhamgaonkar, advocate for applicant

Mr.S.G.Sangle, AGP for respondents

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**CORAM : M.T. JOSHI, J.
DATE : FEBRUARY 6, 2015**

PER COURT :

Heard both sides.

2] Mr.Godhamgaonkar, learned counsel for the applicants has filed on record a true copy of the order dated 11th December, 2014 passed in companion matter i.e. First Appeal No.703 of 1998. The same is taken on record and marked as "X" for identification. It would show that the appellant therein namely, Harishchandra was not included as claimant in the Land Acquisition Reference No.59 of 1995 in the common judgment passed by learned trial Court. It would also show that the matter was remanded back to the trial Court.

3] In view of the above circumstances, for the reasons stated in the applications, the applications are allowed. Delay caused in filing the applications for restoration of the appeals is, condoned. The appeals are restored to file.

4] The appeals are heard finally by consent of the parties.

5] In view of the judgment passed in companion First Appeal No.703 of 1998 and for the reasons stated therein, following order is passed :-

i] The claimant shall not be able to earn interest on enhanced compensation, in case compensation is enhanced by the reference court, for the period between the date of judgment of the reference court and the date of this order.

ii] As such, the impugned order dated 24th April, 1996 passed by Civil Judge Senior Division, Biloli in Land Acquisition Reference Nos.61 of 1995, 58 of 1995 and 60 of 1995 stand set aside. References stand restored. The claimants undertake to appear before the reference Court on 30th March, 2015. Reference Court shall decide references as expeditiously as possible, looking at the age of the matter, preferably within a

period of six months from 30th March, 2015. Record and Proceedings be sent back.

iii] As such, the First Appeals stand disposed of.

[M.T. JOSHI, J.]

kbp