

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

8. CRA/229/2015
SADHU SHAMRAO ROHILE
V/S
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR, OSMANABAD
AND ANR.

Mr. S.B. Choudhary h/f. Mr. S.J. Salgare, Advocate for applicant.

Mr. G.O. Wattamwar, AGP for respondent No. 1.

Mrs. R.K. Ladda, Advocate for respondent No. 2.

CORAM : T.V. NALAWADE, J.
DATED : 2nd December, 2015.

ORDER :

1. The Revision is filed to challenge the order of dismissal of LAR No. 706/1991 by the Reference Court, Civil Judge, Senior Division, Osmanabad.

2. The Reference Court has dismissed the claim by observing that no evidence is given on the basis of which market value can be ascertained. On the ground of tenability of revision, the learned counsel for the applicant placed reliance on the case reported as **2012 (1) ALL MR 42 [Subhash s/o. Babulal Rajpt Vs. The State of Maharashtra and Anr.]**. The learned counsel for the applicant took the blame to himself. He submitted that there was such circumstance that such proceedings were also not contested for long time. The dismissal

order came to be made in the year 2011. The learned AGP submitted that there will be the question of interest and the liability to pay interest is at the rate of 18% p.a. which is statutory interest.

3. Considering the nature of proceeding and the circumstances of the case, this Court holds that opportunity needs to be given to the original claimant to lead the evidence.

4. In the result, the revision is allowed. The order of dismissal is set aside. The matter is remanded back to the Reference Court for fresh trial. The matter is to be disposed of expeditiously and in any case, within six months from the date of receipt of this order. If during this period, no evidence is lead, there will be liberty to the Reference Court to pass appropriate orders.

[T.V. NALAWADE, J.]

ssc/