

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

CRA NO. 143 OF 2015

LAXMAN VITHOBA SANAP DIED THROUGH LRS MARUTI LAXMAN
SANAP
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR BEED

...
Advocate for Petitioner : Nagargoje Ankush N.
AGP for Respondents: Shri D.V.Tele
...

**CORAM : S.V.GANGAPURWALA,J.
DATED : 21ST SEPTEMBER, 2015**

ORDER :-

The reference filed by present petitioner is dismissed as evidence is not laid.

2] Mr.Nagargoje, learned counsel for the petitioner submits that there was a communication gap between the advocate and the litigant. The petitioner resides in a rural village and is an agriculturist. As the date was not communicated, the petitioner could not appear and adduce evidence. One more opportunity be given to the petitioner to adduce evidence.

3] Learned A.G.P. submits that the reference court had given ample opportunity to the petitioner to adduce evidence, however, petitioner did not avail such opportunity. No error has been committed by the reference court while rejecting the reference.

4] I have considered submissions. No doubt opportunity was given to the claimant to adduce evidence, the claimant failed to

adduce the evidence. It would be seen that initially the reference was filed by Laxman and after his death, his son is prosecuting the same. It would appear that the claimant is residing in a remote rural village and is an agriculturist. Certainly the reason put forth by the claimant can be considered. The agricultural land that is the source of livelihood of the claimant is acquired. In such circumstance, I am inclined to grant one more opportunity to the claimant to adduce evidence.

5] Impugned order is quashed and set aside. L.A.R. No.78/06 is restored to its original position. Parties shall appear before the reference Court on **15th October, 2015**. The parties are entitled to adduce the evidence. Considering the fact that matter is remitted back, reference court shall make endeavour to dispose of the matter expeditiously. Revision application is disposed of. No costs.

[S.V.GANGAPURWALA,J.]

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