

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 10646 OF 2013
IN CRAFT/21768/2013

MADHUKAR RAMRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr.G.L.Deshpande, advocate for applicant
Mrs.B.B.Gunjal, AGP for respondent no.1
Mr.V.R.Sonwalkar, advocate for respondent no.2

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CORAM : M.T. JOSHI, J.
DATE : APRIL 10, 2015

PER COURT :

Heard both sides.

2] Learned counsel for the applicant submits that upon division of the territories, the land acquisition reference was transferred to the Court at Nilanga. The advocate appointed was from Latur and due to the communication gap between the advocate and the applicant, the applicant was not able to prosecute his reference proceedings under the land acquisition Act and therefore, delay of

975 days has occurred in filing the present Civil Revision Application against the order of dismissal of the reference proceedings by learned Civil Judge Senior Division, Nilanga on 4th September, 2010.

3] Upon hearing the both sides, for the reasons stated in the application, the delay caused in filing the Civil Revision Application is condoned. The application for condonation of delay is allowed and disposed of accordingly.

4] The Civil Revision Application be registered.

5] The Civil Revision Application is **admitted**. By consent of the parties, the same is taken up for final hearing forthwith.

6] As the Civil Revision Application is based on the same set of facts, as are detailed hereinbove,

the same deserves to be allowed on the condition that the applicant would be not entitled for the statutory interest over the enhanced compensation, if any, from the date of dismissal of the reference proceedings by learned Civil Judge Senior Division on 4th September, 2010 till the date of his appearance in the trial court.

7] Hence, the following order:-

a] The Civil Revision Application is allowed without any order as to costs.

b] The impugned order passed by learned Civil Judge Senior Division, Nilanga dated 4th September, 2010, dismissing the land acquisition reference proceedings, is hereby set aside. The matter is remanded back to the learned trial Court for decision according to the law.

c] The parties are directed to appear before the concerned court on 30th April, 2015.

d] Present applicant would not be entitled to the statutory interest over the enhanced compensation, if any, for the period from the date of dismissal of the reference proceedings by learned Civil Judge Senior Division i.e. on 4th September, 2010, till the date of his appearance in the trial court

e] Parties to act upon authenticated copy of this order.

[M.T. JOSHI, J.]

kbp