

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

CIVIL REVISION APPLICATION NO. 180 OF 2015

Kamalbai Sugriv Suryawanshi

... Applicant

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr S. S. Manale, Advocate for the applicant
Mr S. G. Sangle, AGP for respondent/State
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

1. Mr Manale, the learned Counsel for applicant submits that the applicant is an illiterate lady, dependent upon agriculture land, residing in a remote village, as such there was communication gap between the Advocate and the applicant-lady, she could not attend the proceedings and the proceedings were taken up *ex-parte*, the proceedings were decided without the evidence of the applicant. It is only due to the aforesaid reasons, the applicant did not adduce the evidence. The applicant be given an opportunity to adduce the evidence.

2. Mr Sangle, the learned AGP states that after filing of the reference, the applicant did not appear before the Court. Though the

Court had adjourned the matter on number of occasions, still the applicant did not avail the opportunity. According to him, no sufficient cause is stated for non-appearance before the reference Court. The learned AGP, in alternate, submits that in case this Court is inclined to allow the applicant to adduce the evidence, then the applicant should not be given statutory benefits in case of enhancement from the date of petition before the reference Court till the date of the order by this Court.

3. I have considered the submissions. The applicant appears to be an illiterate lady, dependent upon agriculture, residing in rural village and she appears to be rustic person. The reasons given by the applicant can be accepted. The agricultural land of the applicant is acquired. Same is also required to be considered. However, the applicant should not be entitled for statutory benefits for the delayed period.

4. In light of the above, I pass the following order.

ORDER

- (i) The impugned order is quashed and set aside and the L.A.R. No. 156 of 2009 is restored to its original position.

- (ii) It is made clear that in case the reference Court allows the reference and grants enhancement of compensation, then in that case, the present applicant would not be entitled for the statutory benefits from 10th August, 2012 to 3rd September, 2015.
- (iii) The parties shall appear before the trial Court on 1st October, 2015.

Civil Revision Application disposed of accordingly.

[S. V. GANGAPURWALA, J.]

sgp