

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION (ST.) NO. 28706 OF 2014

Vinayak S/o Rajehwarrao Deshpande and ors. .. Petitioners

Vs.

The State of Maharashtra and others .. Respondents

Mr. M.P. Kale, Advocate for petitioners

Mrs. B.B. Gunjal, A.G.P. for respondent/State

Mr. R.C. Patil, Advocate for respondent no.3

CORAM : M.T. JOSHI, J.

DATE : 07/07/2015

ORAL ORDER :

Heard both sides.

2. Both sides file on record the true copy of the orders passed by this Court in various proceedings i.e. C.A. No. 156 of 2015 in C.R.A. (St.) No.119 of 2015 and C.R.A. (St.) No. 131 of 2014. Both are taken on record and marked as "X" and "X-1", respectively, for the purpose of identification.

3. The record would show that as the present petitioners remained absent in the land acquisition proceedings for many times, ultimately, the land

acquisition reference was dismissed.

4. Mr. Kale submits that the facts arising in the present Civil Revision Application are similar to the facts arising in C.R.A. (St.) No.119 of 2015 (already marked as "X").

. Vide order dated 25/3/2015 passed in CRA/131/2015 (already marked as "X-1"), the Civil Revision Application was allowed, however, subject to the condition that the revision petitioner would not be entitled for statutory interest over the enhanced compensation, if any, for the delayed period.

5. Considering all the facts on record, and since Mr. Kale submits that enhancement is granted in another land acquisition reference arising out of the same land acquisition proceedings, the following order is passed:-

6. Civil Revision Application is hereby allowed without any order as to costs. The impugned order dated 16/12/2011 passed by the learned Civil Judge Senior Division, Gangakhed in L.A.R. No.241/1997 (Old L.A.R. No. 337/1992) is hereby set aside.

7. The parties are directed to appear in the trial Court on 20/08/2015. If the record is already destroyed, all the parties to co-operate in reconstruction of the record and papers. Thereafter, the learned Civil Judge Senior Division to decide the reference application on its own merits, as expeditiously as possible considering the difficulty of reconstruction of the record, if any.

8. The petitioners would not entitled for statutory interest over the enhanced amount for the delayed period i.e. from the date of death of the original claimant till this date i.e. 07/07/2015.

9. With these directions, the Civil Revision Application stands disposed of.

[M.T. JOSHI]
JUDGE

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