

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

**CIVIL APPLICATION NO. 1270 OF 2015
IN
CIVIL APPLICATION STAMP NO. 29142 OF 2014**

Shankar Ganpati Salunke Died
Through his wife Shakuntala and
others .. Applicants

Versus

The State of Maharashtra through
Collector Osmanabad. .. Respondent

Shri Ganesh V. Patil, Advocate for Applicants.
Shri S. M. Ganachari, A.G.P. for the Respondent.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 09TH OCTOBER, 2015.**

PER COURT :

. This is an application for condonation of delay caused in filing revision. For the reasons stated in the application, the application is allowed. The delay is condoned. The civil application is disposed of.

[S. V. GANGAPURWALA, J.]

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

CIVIL APPLICATION STAMP NO. ____ OF 2015

.. Petitioner

Versus

.. Respondents

Shri _____, Advocate for the Applicant.

Shri _____, A.G.P. for Respondent Nos.

Shri _____, Advocate for the Respondent No.

CORAM : S. V. GANGAPURWALA, J.

DATE : 09TH OCTOBER, 2015.

PER COURT :

. The reference U/Sec. 18 of the Land Acquisition Act (for short "L. A. Act") is dismissed by the Reference Court.

2. According to the learned counsel for the petitioner, the matter was transferred from Osmanabad Court to Omerga Court. The petitioner had received the notice, but the advocate

engaged was also from Osmanabad and every stage was not intimated by the advocate engaged by the applicant. The learned counsel further submits that, the claimant No. 1 had also died, who was looking after the matter. The learned counsel submits that, an opportunity be given to the claimants to adduce the evidence and contest the reference on merits.

3. The learned Assistant Government Pleader submits that, ample opportunity is granted to the claimants, however, the claimants did not avail the same. In absence of evidence the order is rightly passed.

4. I have heard the submissions canvassed by the learned counsel for the respective parties.

5. It appears that, initially the reference was filed at Osmanabad. However, subsequently it was transferred to the Omerga Court. The claimants appear to be residing in remote rural village and appear to be illiterate. The claimants are agriculturists. The reasons put forth by the claimants appear to be plausible reasons in view of that, I am inclined to grant one more opportunity to the claimants, however, with certain conditions.

6. In the light of above the impugned judgment and award is

quashed and set aside. The reference bearing L.A.R. No. 1272 of 2009 is restored to its original position. The parties shall appear before the Reference Court on 16.11.2015. The parties are permitted to adduce evidence. In case the reference Court comes to the conclusion to enhance the compensation amount, in that case the claimants would not be entitled for statutory benefits from **05.04.2010 to 15.11.2015**. The civil revision application is disposed of. No costs.

[S. V. GANGAPURWALA, J.]

bsb/Oct. 15